

**DYNAMICS OF CRIME**  
**SPATIAL AND SOCIO-ECONOMIC ASPECTS OF**  
**CRIME IN INDIA**

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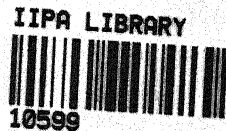
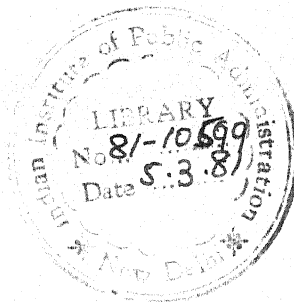
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# DYNAMICS OF CRIME

SPATIAL AND SOCIO-ECONOMIC ASPECTS OF  
CRIME IN INDIA

S. VENUGOPAL RAO



INDIAN INSTITUTE OF PUBLIC ADMINISTRATION  
INDRAPRASTHA ESTATE, RING ROAD, NEW DELHI, INDIA

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TO MY CHILDREN

GANESH

MOHAN

REGGIE

MANIMALA

## FOREWORD

**C**RIMINOLOGICAL research in India has yet to reach the stage of academic acceptance and practical application. Although criminology as a distinct discipline has been introduced in a few universities at the undergraduate and postgraduate levels, its development continues to be halting and uncoordinated in view of the vast knowledge inputs that are needed from many disciplines. Barring a few isolated efforts of individual scholars, research in this important area has remained fragmented and generally aligned to the discipline in which it was carried out while the multi-faceted nature of crime calls for deep understanding of the existing tensions and emerging forces in a developing society and demands a critical reappraisal of the functioning of the criminal justice system. The *Dynamics of Crime* is, therefore, a welcome addition to the sparse literature on the subject in India.

The analytical study of crime in specific geographic settings by Prof. S. Venugopal Rao is not only timely, but fills a significant gap in our criminological literature. It appears at a crucial phase in the evolution of our political, administrative, and judicial institutions because, at no other time, have they been so perplexed by the disconcerting growth of crime and violence. The conventional thinking that crime is controllable and can be kept within manageable limits must be sobered by the harsh reality that its roots lie much deeper than the surface on which the traditional institutions designed for this purpose operate. That is why the need for deep thought as to how we can face and cope with this emerging situation.

This scholarly volume analyses the basic character of crime in contemporary India and attempts to relate prominent socio-economic factors with which it is intricately involved. Cultural and historical aspects which have influenced our concepts of crime have been given due attention along with an objective assessment of the degree of credibility of criminal statistics and a critical survey of recent cross-cultural studies of crime in developing societies by some western scholars. From these broad perspectives, the analysis moves towards an identification of specific and dominant socio-economic features of our society which exert a demonstrable impact on criminal behaviour.

Broadly following the western models, criminological work in our country has been monopolised by two major concerns—one with the primary focus on psychological and environmental influences on indivi-

duals leading to criminal activity, and another on developing appropriate mechanics for the pursuit of reformist ideology. Rarely has an attempt been made to study the criminogenic aspects inherent in the social structure of which economic deprivation emerges as the most powerful incentive to defiance and deviance. The emerging competitive ethos, the traditional caste system and social change, which sustain economic deprivation of large sections of population, are seen as major contributory factors of crime. The analysis leads to the inescapable conclusion that if the present manifestations of crime and disorder are to be checked in a determined manner, the re-vitalisation of the machinery of criminal justice must proceed with simultaneous efforts of alleviating some of the most pressing economic disparities which condemn vast sections of our society to an abominable existence below the poverty line. Moreover, this underlines the need for greater social perception and sensitivity on the part of the various wings which constitute the totality of the machinery of criminal justice administration.

The present study provides ample material and information in regard to the nature and emerging forms of crime in the contemporary setting and questions a number of accepted assumptions and theories particularly in relation to the interpretation of national and regional trends and urban patterns. While the results of analysis of regional variations and higher incidence of crime in our fast growing towns and cities are given without any exaggerated claims, they deserve serious consideration of the policy makers in the field of criminal justice administration. The author's approach to interpret crime in economic quantifiables by integrating the contributions from different sources into a coherent whole is also refreshing and should be of interest to the lay reader as well.

There is convincing logic in the manner in which outstanding issues have been discussed. The author has also taken great care to check the consistency and meaningfulness of the conclusions which are framed at the end in terms which are not sweeping. The volume will succeed in deepening the understanding and in encouraging the initiative in promoting further studies which can have far-reaching practical implications. While one would naturally differ with many aspects of the author's diagnosis and prescription, one would appreciate the logic of his arguments which should stimulate further thought and analysis.

To the presentation of the trends and patterns of crime in our contemporary society and their analysis, Prof. Venugopal Rao brings impressive credentials. Since 1964, he has been actively associated both as a scholar and as a senior member of the Indian Police Service with research on the problems of crime and delinquency. He is the author of numerous articles, papers, monographs and three major works on

crime : *Facets of Crime in India, Power and Criminality*, and *Crime in Our Society: A Political Perspective*.

I am happy to make Prof. Venugopal Rao's study on the spatial and socio-economic aspects of crime in India available to a wide audience of administrators, social scientists, policy makers, practitioners in the criminal justice system and all those who are interested in the problems of crime and violence. I trust that the publication of this work by the Indian Institute of Public Administration, which has recently established a full-fledged division of criminal justice administration, will lead to further research and informed discussions in the coming years.

T. N. CHATURVEDI

*Director*

INDIAN INSTITUTE OF PUBLIC  
ADMINISTRATION

NEW DELHI

JANUARY 15, 1981

## PREFACE

**I**N INDIA, research in criminology is very much neglected among social sciences despite spiralling crime and violence which pose serious threat to our tender democratic institutions. To find adequate solutions to the perplexities of crime in a plural society demands the application of many disciplines. This book is a humble attempt at scientific analysis of crime and its geographic variations in the wider socio-economic perspective.

The idea of undertaking a study of spatial and socio-economic aspects of crime in India occurred to me while I was heading the Bureau of Police Research and Development in the Government of India, but the constraints and preoccupations of office precluded embarking upon an ambitious project of this nature and magnitude. I am happy that the project could be taken up under a fellowship in the Indian Institute of Advanced Study, Simla, because officially sponsored research, however well intended, is forced to sacrifice some element of objectivity due to preconceived postures and administrative inhibitions.

The general impression about criminological research in India is that scholars are inclined to accept the western models and findings *mutatis mutandis*. The criticism is not without some substance, but there is also the risk of taking it too far to the limits of irrational chauvinism. *Dynamics of Crime* is a sincere effort to examine the applicability of criminological theories and findings formulated in different settings to the contemporary Indian situation. If, in the process, it became necessary to question the propriety of some western scholars' approach to developing societies of the third world, it is an academic prerogative which, I am confident, will not be misunderstood.

The first two chapters provide the background for an extended discussion of the problems of crime and its control. Specifically, chapter 1 presents the nature and magnitude of crime in the country at a critical phase of development of its political institutions. It includes a brief history of crime from the earliest times, the evolution of criminal law, and the intractable conceptual dilemmas. Chapter 2 is a *critique* of official criminal statistics—the empirical data of this study. Despite lack of integrity in the statistics which emerges repeatedly in the analysis, they constitute the basic material on which the economic implications have been worked out. Chapter 3 projects the national trends and covers a wide range of related matters which include general

trends, female criminality and juvenile delinquency. In chapter 4, the regional variations are analysed with reference to select socio-economic indicators across the States. The analysis is further extended across the districts in one State—Rajasthan. Chapter 5 is devoted exclusively to inter-urban and intra-urban patterns of crime in relation to three metropolitan cities and a medium city. In chapter 6, the recent economic models of crime and punishment have been examined in the Indian context. Finally, in the concluding chapter, the implications of the findings are discussed briefly.

A conspicuous omission in the present study relates to white collar crime and corruption and power crimes. Although they have been touched upon briefly, a detailed study of these manifestations in contemporary India is beyond the scope of this book. I intend to follow it up with a sequential volume.

In carrying out the present study, I am indebted to many. I am grateful to the Indian Institute of Advanced Study for providing the facilities and incentive for the work. I am specially indebted to Dr. T.R. Rao, Adviser to the Mines and Minerals Board and Shri D. Subramanyam who helped me with regression equations and statistical correlations. The bulk of the statistical tables and calculations were done by Shri Saleh Uddin Khan whose assistance was most valuable. Shri Hemant Kumar and Shri A. Hari Prasad helped me in preparing the cartographic projections. The manuscript was typed with scrupulous care by Smt. P. Vijayalakshmi, Shri Pyar Chand Ramola of the Indian Institute of Advanced Study and Shri G.C. Tandon of the Indian Institute of Public Administration.

I am also beholden to many friends with whom I had the privilege of discussing some aspects of the project and to former colleagues and police officials who provided the data ungrudgingly whenever a demand was made despite their own preoccupations. I shall be failing if I do not mention specifically the cooperation extended to me by S/Shri R.K. Ohri, Tuljaraj, P.S. Bawa and S.V. Tankiwala and the Statistical Division of Bureau of Police Research and Development. There are many others too numerous to be mentioned individually and I trust I will be forgiven.

Finally, this book would not have seen the light of the day had it not been for the initiative and interest taken by Shri T.N. Chaturvedi, Director, Indian Institute of Public Administration. I am deeply grateful to him and to the Publication Division of the IIPA headed by Shri N.R. Gopalakrishnan for bringing out the volume in time.

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## ONE

# CRIME : THE INDIAN CONTEXT

**C**RIME is a perennial and universal problem of all societies. The concept of crime is rooted in man's rudimentary attempts to distinguish between right and wrong in his interaction with fellow humans. Endeavouring to become a 'social man', he developed folkways whose transgressions were designated as 'sins' which had to be punished or expiated. Early philosophers and thinkers deeply pondered over the perplexing phenomenon of crime and attempted the formulation of what we may now deem as criminal policy. Criminology which is the "body of knowledge regarding crime as a social phenomenon"<sup>1</sup> is not a new science; and the claim that it "was born in Europe where it went through the usual speculative prescientific phase"<sup>2</sup> is not tenable. However, the application of knowledge derived from behavioural sciences to the study of crime is comparatively a recent development in which criminology has transcended its traditional frontiers and now encompasses a wide range of disciplines which include sociology, anthropology, psychology, genetics, political science, economics and law.

Neither in the earliest criminal code known to man—the Babylonian code of Hammurabi—nor in the later Indian treatises, an equivalent to the generic term 'crime' is available although individual offences were specified with singular clarity.<sup>3</sup> The *Rigveda* mentions theft, robbery

<sup>1</sup>Edwin H. Sutherland and D.R. Cressey, *Principles of Criminology*, J.B. Lippincott, Philadelphia, 1960.

<sup>2</sup>C.I. Dessaur, *Foundations of Theory Formation in Criminology*, Mouton & Co., The Hague, 1971.

<sup>3</sup>B.A. Salatore, *Ancient Indian Political Thought and Political Institutions*, Asia Publishing House, New Delhi, 1963. In assigning the date of 1800 B.C. to Hammurabi, Prof. Salatore appears to have been guided by Gordon Childe. As regards Manu, Dr. Salatore expresses the view that he could be assigned Circa 1800 B.C., but agrees that the ages in which both the law-givers lived are still a matter of speculation.

on the highways, burglary and cheating (with particular references to gambling, a favourite pastime of the king and the commoner alike). Since cattle constituted the core of wealth in pastoral societies, cattle-lifting figured prominently in early literature as an offence which called for stringent penalties. Among the crimes listed by the *Satapatha Brahmana* were adultery, incest, abduction, abortion, murder, intoxication, and treachery. By this time, the privileged position of the priestly class was established, and the slaying of a Brahman came to be looked upon as one of the most heinous crimes. Although the distinction between civil disputes and criminal offences was not fully crystallized, the beginnings of separation were easily discernible. Manu made a classification of offences under eighteen heads, twelve of which related clearly to civil torts and contractual obligations while the rest were criminal offences. Among them were insults (*parushya*), violence (*sahasa*), theft (*stheya*) and adultery, which were considered as injuries punishable by the State.

The classical age in Indian history did not record any significant development in criminal law except that the emphasis shifted slowly from the principle of compensation for wrongs to punishment as a social instrument of justice. The *Dharmasutras* brought together all the political and legal ideas which had been scattered in the *Smritis* and the *Samhitas*. We see in the *Dharmasutras* the beginnings of the State as an organic whole in which different classes and individuals played their roles according to the *Dharma*, the law which had the sanction of the divine will. Each individual in society had a preordained function the performance of which was the *raison d'être* of his existence. The king's duty was to "protect the castes and orders in accordance with justice".<sup>4</sup>

Ancient Indian literature—religious or secular—defined deviant actions as offences and prohibited them under threat of punishment. Nevertheless, the emphasis from the beginning was on the positive and constructive aspects of human behaviour which the Indian philosophers called *Dharma*. Notwithstanding the controversies which persist in regard to the interpretation of the word, in its wider sense, it comprised rules and principles of conduct relating to men, which means a group of diverse matters as law, custom, morality, virtue, religion, piety and justice. *Dharma* is derived from the word *dhri* (to hold) and is accepted by legal historians as law while order is represented by *rita* which is the 'immanence of justice'.<sup>5</sup> Undeniably, social objectives and moral goals influenced the evolution of the dual concept of law and order for the welfare of the people—a principle

<sup>4</sup>B. A. Salatore, *op. cit.*

<sup>5</sup>S. Radhakrishnan, *Recovery of Faith*, Hind Pocket Books, New Delhi.

succinctly stated in the *Mahabharata*: "Dharma is created to prevent harm by evil-natured men".<sup>6</sup> Positively, *Dharma* is 'righteous conduct' enjoined on all members of society. But transgressions do occur due to a variety of reasons and will have to be prevented.

The growing emphasis on protection of the people as the primary function of the king was an important factor in the development of the 'science' of punishment. It was a logical corollary to the need for devising suitable measures for keeping the turbulent and anti-social elements under control, and provide the requisite degree of protection to all citizens as enjoined in the *Dharma*. Manu's concept of punishment was noteworthy for its clarity and consistency. "Punishment alone governs all created beings, punishment alone protects them, punishment watches them where they sleep; the wise declare punishment (identical with) law".<sup>7</sup> The *Dandaneeti* (science of punishment) was a necessary form and means of regulation of human behaviour; it was not a code of morals or relentless precepts as the *Dharmashastras* were, but dealt with man's actions in practical politics and the conduct of the ordinary affairs of every day life and intercourse. The concept of punishment had, both the elements of deterrence and retribution. Deterrence was attempted through barbarous punishments 'making an example' by open display of the 'consequences' of crime and the effects of punishment. Incidentally, one of Manu's injunctions was that the king should establish prisons all along the high ways so that the suffering of the offenders might attract adequate public attention. Here, we have the earliest reference to the institution of prison.

This brief introduction will not be complete without a reference to the famous treatise of Kautilya on Indian polity and administration of criminal justice.<sup>8</sup> The *Arthashastra* is not a criminological dissertation in the strict sense, but it touched upon the basic tenets of criminal law enunciated by the earlier sages, and devoted whole chapters to the techniques of criminal investigation including criminal intelligence, forensic science and medicine, the personality traits of criminals, and methods of interrogation of persons accused of crimes. The difference in approach between the *Smritis* and the *Arthashastra* is not accidental. The *Smritis* were structured on the philosophic perspectives of sages

<sup>6</sup>A.B. Keith, *A History of Sanskrit Literature*. See also J. Talboys Wheeler, *Ancient and Hindu India*, Punthi Pusthak, Calcutta, 1961.

<sup>7</sup>Quoted from B.A. Salatore, *op. cit.* See also R.D. Gupta, *Crime and Punishment in Ancient India*, Bharatiya Publishing House, Varanasi, 1973; Beni Prasad, *Theory of Government in Ancient India*, Central Book Depot, Allahabad, 1968.

<sup>8</sup>The identity of Kautilya and the age in which he lived and wrote his treatise on polity are still matters of intense controversy. There is, however, general consensus that he was Vishnugupta or Chanakya, the astute minister of Chandragupta Maurya who overthrew the Nandas and ruled the kingdom of Magadha.

living in pastoral isolation, while Kautilya was a practical politician and administrator who was pitted against the harsh realities of keeping order in a society riven with multifarious socio-political ills. His concepts were in consequence more pragmatic, and his findings were at times in total contradiction to the *Smritis*. We see in the *Arthasastra* a fresh approach to crime as a thorn (*Kantaka*) which has to be removed for the good of society; a greater clarity in the definition of crimes; the rationale of punishments; the recognition of new forms of criminality as pastoral societies transformed into more sophisticated urban groups; the growing emphasis on the State's responsibility for social protection; and finally, a reiteration of the wholesome principle of ensuring compensation to victims of crimes. It is refreshing to see in the medley of barbaric punishments some glimmerings of a progressive penal policy.<sup>9</sup> By far, the most outstanding feature of the administration of criminal justice, as prescribed in the *Arthasastra* was the insistence on rigorous proof of guilt, the need for objective and scientific investigations and provision of adequate safeguards against false accusations and miscarriages of justice. In an age of restless inquiry, the Hindu criminal law can claim to have attained high capacity for intellectual exploration. Indeed, by virtue of his pragmatic approach, breadth of vision, clarity of thought and rationalism, Kautilya deserves a pre-eminent place of honour in Indian criminology.

It is a far cry from the days of Kautilya to the Indian scene today. There is a greater awareness of crime and growing impatience with the desultory attempts to control it. Penal legislation has proliferated and constantly increasing number of people are getting involved in crime and its painful consequences. Crime has spread with devastating rapidity to every field of human endeavour, and disconcertingly, neither traditional punishments nor correctional ideology appear to have had any effect in the control and prevention of crime. This is the dilemma of all societies—poor or affluent, developing or developed, theocratic or secular, democratic or totalitarian. It is one of the tragic ironies of modern civilization that despite the spell-bounding achievements of man, he has met with dismal failure in controlling his own anti-social inclinations. Is crime a necessary evil then, an inevitable concomitant of human organisations, and a social reality which has to be accepted with resignation? Are our criminals less barbaric than their predecessors? The inhumanity of punishments in ancient societies revolts us, but are we different today? Are the criminal justice system (whatever be its form) and the criminal population to be pitted against each other in an unending struggle? Is our failure due to fallacies in theory or unimaginative practice?

<sup>9</sup>R. Shama Sastry, *Kautilya's Arthasastra*, Government Press, Bangalore, 1915.

## WHAT IS CRIME?

The basic problem in criminology concerns the definition of crime. The dictionary definition that it is "an act punishable by law, as being forbidden by statute" is inadequate since it covers the entire range of serious offences, minor transgressions of law, petty violations and some aspects of deviant and nonconformist behaviour. On the other hand, the dictionary of Behavioural Sciences which defines crime as a "major transgression of the law which is punishable" is equally ambivalent. The introduction of the word 'major' adds a new dimension which the framers of penal codes never contemplated. It would in effect mean that every penal code must consist of two parts—one which relates to 'major offences' while the other to petty violations of law which are important enough to be included in the code, but not sufficiently serious to attract the appellation of crime. The inadequacy of the definition lies in the fact that it does not elucidate the degree of seriousness of the offence.

✓ The Indian Penal Code does not define crime *per se*, but contents itself with defining an offence as a thing "made punishable by the Code".<sup>10</sup> Another example of the legal definition is: "A crime or public offence is an intentional act committed or omitted in violation of a law forbidding or commanding to which a series of punishments are annexed."<sup>11</sup> In socialist societies it is "any act which is a menace to society". In further elaboration it is stated: "an act whose degree of danger to society is negligible shall *not* be a crime even though it may have the features of crime... . The degree to which the act menaces the society shall be determined in particular by the importance of the protected interest affected, by the act, the manner in which the act was committed, the person of the offender, the degree of his culpability and his motives".<sup>12</sup> In the Ethiopian Penal Code, a criminal offence is "completed only when all its legal, material and moral ingredients are present".<sup>13</sup> The criminal law in the Federal Republic of Germany tried to surmount these difficulties by specifying three categories of offences—*Verbrechen* (crimes), *Ubertretungen* (violations) and *Verghehen* (misdemeanours). Although they are given different appellations and associated with graded punishments, together they constitute the Penal

<sup>10</sup>The report of the Joint Committee of Parliament on certain changes in the Indian Penal Code was presented on January 29, 1976, but it has been put in cold storage on account of political changes. There has, however, been no change either in the concept or definition of crime.

<sup>11</sup>The California Penal Code, Sections 15-20.

<sup>12</sup>The Penal Code of Czechoslovakia, See Dae H. Chang, *Criminology : A Cross Cultural Perspective*, Vikas Publishing House, New Delhi, 1976, p. 198.

<sup>13</sup>The Penal Code of Ethiopia, 1957.

Code. The most noteworthy feature of the German law is the law for minor offences (*Ordnungswidrigkeiten*) which covers all offences attracting only a small fine as punishment.<sup>14</sup>

The Indian Penal Code makes a distinction between cognizable and non-cognizable offences on the lines of indictable and non-indictable offences in the Anglo-Saxon legal tradition. The criminal procedure prescribes different modes of inquiry in respect of offences which are not considered too grave. In any society there are bound to be many laws and countless violations and deviations of varying intensity, but there has to be a sense of proportion in their assessment, a balanced judgement. On the other hand, petty violations may not be petty in the long run, and their cumulative effect may represent a vastly enhanced menace to society than what each individual transgression projects in isolation. Apart from the qualitative differences in the vast array of criminal offences, there are other factors which have a bearing on conceptualization and they relate to the age and maturity of the offender, and the circumstances under which the crime is committed. All legal codes, therefore, provide for exceptions when a crime is *not* a crime.

So much for the legal definition of crime. The sociologists too agree only to disagree on a universally acceptable definition, and their failure reflects the bewildering complexity of crime as a social phenomenon. The sociologist's basic problem—and it is a challenging one—is that if crime is determined by time and space, and its concept is subject to constant changes due to socio-political compulsions, its analysis loses the requisite degree of scientificity. Overnight, the State may decide that a particular conduct which it had tolerated heretofore may be criminalized. The transformation here is not in the nature of the offence or the personality of the offender, but in its evaluation with reference to the socio-political exigencies of the time. The need for regulation and control of 'negative' behaviour is not questioned, but what is suspect is the propriety of attempting to go behind instant criminal groups to find socio-psychological explanations for deviance.

A few examples in the Indian context highlight the paradoxes in modern criminology. From time immemorial, gambling was considered as one of the major vices of men and was attendant with penalties. The Indian tradition is replete with legends of kings who gambled away their kingdoms and even their wives. In the *Mahabharata*, the 'righteous' hero Yudhishthira lost his kingdom and his wife in a game of dice to his ambitious cousin. In a similar vein, Nala lost his empire because of the machinations of his jealous rival who got the dice

<sup>14</sup>The Penal Code of Federal Republic of Germany. For a detailed account see, Dae H. Chang, *op. cit.*, p. 394.

loaded. The game of dice was popular from the earliest times, and countless families must have been ruined through addiction to this vice. In making it a crime, the framers of the ancient penal codes were merely giving an 'enforcement' expression to the socio-economic demands of the day. It was indeed a welfare law, intended for the good of the citizens themselves. Today, gaming remains unsuppressed and survives through different manifestations and forms. The Gambling Act recognizes to some extent the popular appeal and social acceptability of this prohibited behaviour and makes it an offence only when it is indulged in a public place or when an individual derives pecuniary benefit through organization. In actual enforcement, however, the members of the elite clubs who gamble in card games with high stakes are untouched while the bulk of police statistics cover petty gambling in streets or small gaming places—a case of differential enforcement. A lottery is a form of gambling and the Indian Penal Code makes it a specific offence with a singularly inexplicable proviso that the State can organize the very activity which is considered illegal for others. Today, almost every State in the country organizes a lottery with alluring prizes running into millions of rupees. Here is a typical example of a crime over which the State alone has a monopoly. The State encourages extreme forms of gambling like racing, but falls foul of numbers (*matka*) and card games, not because of the intrinsic evil in them, but because of the exploitative practices of organized groups and individuals associated with them. Hundreds of thousands of arrests are made every year for the 'crime' of gambling, but the punishments are so inconsequential that neither it is really controlled nor the welfare objectives of the legislation are realized.

Prohibition of alcoholic liquors, one of the directive principles of the Indian Constitution, is another case in point although of a different kind. It was dear to Mahatma Gandhi, the Father of the Nation. In the first flush of independence, prohibition laws were enacted in almost all the States of India. The law had a social purpose because of the immensity of economic degradation which the vice brought into millions of households, but it did not take into consideration the primeval instincts of man which created a consensual demand and which could be met only through flagrant violation of the law itself. A new class of criminal community engaged in illicit distillation, clandestine sales and surreptitious drinking, emerged. People who were normally law-abiding suddenly became 'criminals' and their numbers were staggering. The cost of enforcement deprived the State exchequers of substantial public funds which were desperately needed for economic development. Finally, the loose and ineffective enforcement generated contempt for law and led to large scale corruption. The law did not serve its purpose ; on the other hand, the potential for social harm in

the process of enforcement emerged more menacing. In the light of these developments which were not visualized in the first flush of reformist zeal, the prohibition laws were relaxed and abolished in most of the States. There is again a resurgence of moral indignation over the evil of addiction, and State policies are wavering between total prohibition, partial control and complete abolition. It is a crime in one State, and a social grace in another, barely a few miles across the border. Prohibition crime is a classic example of crime as a creature of law and opportunity.

These examples highlight the ambiguity of 'crime' and the difficulties in devising a constructive criminal policy on the basis of a sociologically acceptable definition of crime. Clarence Darrow thought of it as "an act forbidden by the law of the land, and one which is serious enough to warrant providing penalties for its commission".<sup>15</sup> Parmelee described it as an act "forbidden and punished by law, which is always almost immoral according to prevailing ethical standards, which is usually harmful to society, which is normally feasible to repress by penal measures, and whose repression is necessary or supposed to be necessary".<sup>16</sup> A very laboured effort, but it does reflect the basic difficulties in defining crime as a behavioural manifestation of hostility towards society. Perkins regarded crime as "any social harm defined and punishable by law"<sup>17</sup> while Quinney thought of it as a "legal category that is assigned to conduct by authorized agents of a politically organized society".<sup>18</sup> Since the laws are constantly changing both in content and emphasis, there was understandable reluctance on the part of sociologists to accept the legal definition of crime, but there was no alternative. Even Thorsten Sellin who felt strongly that the study of criminology should include all violations of conduct norms reconciled himself to circumscribing the concept of crime within the legal framework on the ground that "it is wiser to retain the term crime for the offences made punishable by criminal law and use the term abnormal conduct for the violation of norms whether legal or not".<sup>19</sup> Taking, therefore, an overall view, the most acceptable definition of crime appears to be the one put forward by Sutherland: "The essential characteristic of crime

<sup>15</sup>Clarence Darrow, *Crime : Its Causes and Treatment*, Watts and Co., London, 1934.

<sup>16</sup>Maurice Parmelee, *Criminology*, Macmillan, New York, 1922.

<sup>17</sup>Rollin M. Perkins, *Criminal Law*, The Foundation Press, Brooklyn, 1957.

<sup>18</sup>Richard Quinney, *The Problem of Crime*, Doddi, Mead and Company, 1974.

<sup>19</sup>Thorsten Sellin, *Culture Conflict and Crime*, Social Science Research Council, New York, 1938. See also by the same author: 'A Sociological Approach to the Study of Crime Causation', in *The Sociology of Crime and Delinquency*, ed. M.E. Wolfgang, L. Savitz, and N. Johnston, Wiley and Sons, New York, 1962.

is that it is behaviour which is prohibited by the State as an injury to the State and against which the State may react, at least as a last resort, by punishment. The two abstract criteria generally regarded by legal scholars as necessary elements in a definition of crime are legal description of an act as socially harmful, and legal provision of a penalty for the act."<sup>20</sup>

Some criminologists led by Tappan have argued that an act cannot be considered as crime unless the offender is caught, tried and punished. This is an extreme view which ignores the existential aspects of crime. The apprehension and adjudication processes are consequent to the event of crime and may not necessarily be successful. The occurrence is a social fact which has to be viewed as a completed event, whether the perpetrator of the act is found or not. Who then is a criminal? Should we accept the extreme view of Tappan that he should be labelled as such through formal judicial processes? Crime in any society is the totality of the acts of countless individuals identified and unidentified as well. It is for this reason that Levitt's definition of the criminal appears most appropriate despite some inherent contradictions and needless elaboration. "A criminal is one who acts in such a way that organized society, in the form of the community of which he is a part, is compelled to declare that the act, and the actual and the potential consequences of the act, are a menace and an injury to it, and is forced to take steps to suppress further activities of his along similar lines."<sup>21</sup>

Although the contours of crime are fluid and indeterminate criminology cannot develop as a science without a definition of crime even if it is merely a "heuristic device, incapable of proof, but valuable as a guide."<sup>22</sup> To this, we have to add a new dimension which relates to the element of comprehension of the offender himself regarding his criminal act and its status. Here, 'comprehension' is not used in the conventional sense of understanding and maturity, but as general awareness and conscious acceptance of the act as a crime.

#### CRIME IN INDIA

During 1977, the latest year for which official statistics are available, a total number of 12,67,004 cognizable offences under the Indian Penal Code alone were reported. They constitute the bulk of major

<sup>20</sup>Edwin H. Sutherland, *White Collar Crime*, Holt, Rinehart and Winston, New York, 1949.

<sup>21</sup>Albert Lewitt, "Some Societal Aspects of the Criminal Law", *Journal of Criminal Law, Criminology and Police Science*, May-June, 1922.

<sup>22</sup>Richard Quinney, *op. cit.*

traditional crimes against person, property and State. The volume of crime for one hundred thousand population—a universally accepted index of crime—was 202.5. A decade before, in 1967, the total cognizable crime was 8,81,981 with a corresponding crime index of 176.4. A significant feature of these statistics is that crime increased by 43.7 per cent during the decade while the population growth was of the order of 25.2 per cent. A new and undetermined relationship between crime and population is emerging which accounts for the increase in the crime rate by about 15 per cent. The dramatic increases are brought out in the accompanying Fig. 1.

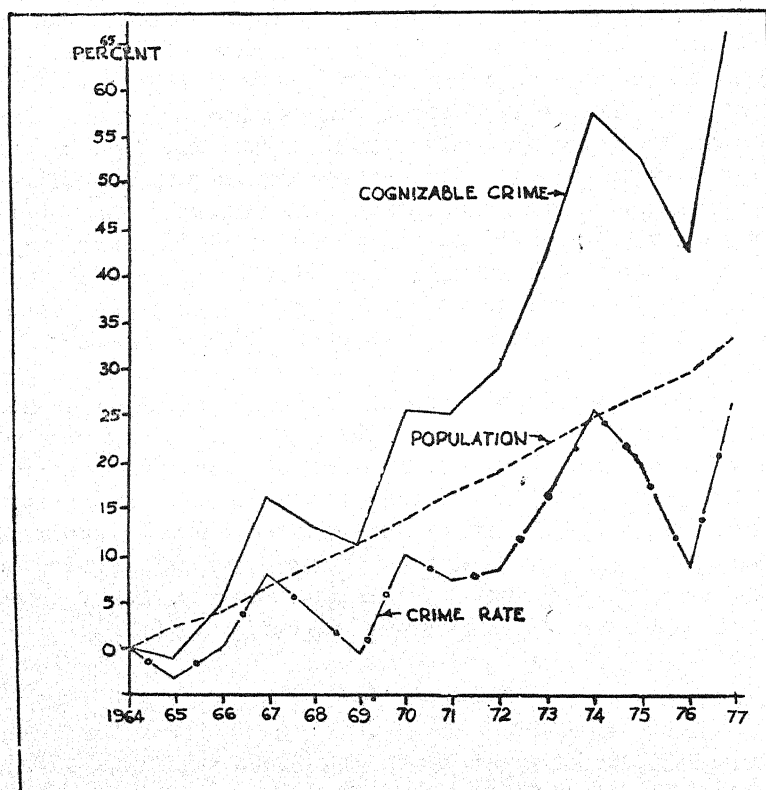


Fig. 1. Population, Crimes and Crime Rate. Percentage Change over 1964.

The increase was common to all heads of crime, but the most conspicuous are robbery (121.7%), dacoity (100%) and riots (89.5%). Apart from the cognizable offences under the Indian Penal Code, there is a vast array of criminal offences under the special and local laws

the most prominent of which relate to possession and manufacture of arms, traffic in drugs, gambling, immoral traffic in women, untouchability, excise and prohibition, smuggling, essential commodities, motor vehicles and ticketless travel on the railways. During 1977 as many as 26,99,061 offences were processed throughout the country, bulk of which were not reported as injuries, but came to the surface as a result of enforcement drives and strategies. The volume of crime under these categories depends primarily on the zeal and initiative of the agencies entrusted with the task of enforcement. The total number of persons arrested for committing cognizable offences under the Indian Penal Code during 1977 was 15,38,315 while nearly double that number 28,26,118 were arrested under various special and local laws bringing the total number of persons involved in criminal proceedings to the staggering total of 4.36 millions which constitutes roughly about 8 per cent of the population. Two important considerations, however, deserve mention in relation to the above data. One is the quantum of unknown and unreported crime and the other, the need for elimination of the vast segment of population in the age group upto 12 years which is ineligible for inclusion in the criminal population. If due weight is given to both these factors, criminality is much more widespread than what is reflected in official statistics.

Crime in a country of the size and population as India is already a major problem. It is bound to increase quantitatively with the growth of population, economic development and breakdown of traditional institutions and values. Qualitatively too, changes are inevitable under the impact of overwhelming social and political changes. Eighty per cent of India's population is still rural, and, although higher rates of criminality are distinctly noticeable in urban conglomerations, the contention that crime is essentially an urban phenomenon has only limited validity in this country. This facet of Indian crime will be examined in greater depth at a later stage.

A brief review of *traditional* crime represented by the cognizable offences under the Indian Penal Code projects the general patterns of crime in the country (Table 1).

A change in the techniques and *modus operandi* is compulsive in a changing society. If yesterday's criminal stole the farmer's cow which constituted his wealth, today's criminal sets his eye on transistors, television sets and automobile spares since they are covetable and meet the increasing demands of consumerism. It is also not surprising that criminals display greater sophistication, mobility and expertise in the commission of offences since the impact of science and technology is felt by all sections of society—law-abiding and law-violating alike—and in the circumstances, some generalizations made in recent cross-cultural studies appear trite. For instance, Clinard and Abbott

TABLE 1 CRIME IN INDIA, 1977

<i>Category</i>	<i>Incidence</i>	<i>Volume of crime per one lakh of population</i>
Murder	18,376	2.9
Kidnapping and Abduction	12,240	2.9
Dacoity	12,599	2.0
Robbery	22,725	3.6
Burglary	1,99,362	30.9
Theft	4,32,046	69.0
Riot	80,449	12.9
Breach of Trust	22,868	3.7
Cheating	19,623	3.1
Counterfeiting	784	.1
Miscellaneous	4,51,672	72.2

SOURCE: *Crime in India*, 1977, Government of India.

say "As a country develops, there is an increase in robbery with violence, or the threat of violence to secure money or material objects.... The basic reasons for the increase in armed robbery lie well within the development process."<sup>23</sup> Discussing the causative factors in theft, the most preponderous of the crimes in the country, they say: "Opportunities for theft are much greater in the less developed countries than in the more developed, largely because of lack of security measures and habits of most people."<sup>24</sup> It is difficult to escape the impression that the learned authors are confusing the techniques of criminal operations with sociological factors in criminality. Robbery in India is a traditional offence with roots in antiquity. Highway robbery was one of the most serious and persistent offences which every regime had to contend with. *Thuggee* which the British could suppress only after a relentless campaign was an aggravated form of robbery with murder thrown in. Dacoity is also an aggravated form of group robbery. Admittedly, there is a change in the *modus operandi* and techniques of operation which are dependent on the improved facilities of communication and transportation, but the pathology remains the same. To ascribe the increase in the volume of this type of crime to the development process is an over-simplification.

It is also debatable to what extent the statement that "opportunities for theft are much greater in the less developed countries than in

<sup>23</sup>Marshall B. Clinard and Daniel J. Abbott, *Crime in Developing Countries*, John Wiley & Sons, New York, 1973, p. 39.

<sup>24</sup>*Ibid.*, p. 36.

the more developed because of lack of security measures"<sup>25</sup> has validity in India where security consciousness, particularly in the lower and upper middle classes is of a very high order. In asserting that "in common man's household theft requires little skill since their dwellings have neither doors nor locks and are poorly constructed" and for this reason "most crimes in developing countries involve property offences committed by the poor"<sup>26</sup> is a generalization without factual substance. Criminal technology in India from ancient times has concentrated on effecting the techniques of gaining ingress into well-secured households as vividly brought out in the ancient classic, the *Mrichakatika*.<sup>27</sup> Professional skill in thievery and house-breaking were converted into a fine art by groups who later constituted the criminal tribes and castes. The traditional criminal, like his counterpart elsewhere, has no stake in society, but there are no grounds to assert that he commits crimes against the poor. The vast majority of property crimes are committed in the affluent and economically advanced sections of the community, the main category of property involved being jewellery and other valuables. In 1974, the value of property stolen in criminal offences was of the order of 690.9 million rupees, the bulk of which (529 millions) was the result of theft and burglary.<sup>28</sup>

Another recent cross-cultural study makes a passing but intriguing statement on Indian crime: "India's crime rate is one of the lowest in the world owing to religion and caste. Theft is the leading offence and homicide is very low. Smuggling in India has acquired legitimacy because few people believe they are breaking the law by purchasing the contraband. Moreover, some lower caste tribes in India, the Pathans and Bhampta, are notorious thieves and pickpockets. The tribe of Thugs specialize in murder by strangulation. It is a serious offence for persons of different castes to cohabit. Sometimes, a crime will require a ritual purification to rid the whole village of pollution... India has adopted the British legal system, specifying the equality of the individuals before the law. Due to the caste system, however, the country operates on the opposite value supposition".<sup>29</sup>

The excerpts from Chang's voluminous study have not been taken out of context, but reproduced *verbatim* to bring out the misleading

<sup>25</sup>Marshall B. Clinard and Daniel J. Abbott, *op. cit.*, p. 38.

<sup>26</sup>*Ibid.*, p. 36.

<sup>27</sup>In the famous classical play by Sudraka, one of the characters discusses at length the comparative advantages of different means of house-breaking

<sup>28</sup>*Crime in India 1974*, Bureau of Police Research & Development, Government of India, 1978.

<sup>29</sup>Dae H. Chang, *op. cit.*, pp. 24-25.

and distorted image which has been drawn on the basis of information which is inaccurate and certainly out of date. The assertion that the low rates of Indian crime are due to religion and caste has no factual basis nor is borne out by any study. Theft occupies a dominant position in the crime spectrum, but it is true of all countries—developed or developing. The rate of homicide cannot be considered to be low. The Pathans are not an Indian tribe; they belong to the North-Western regions of Pakistan. There are no criminal tribes in the country since the oppressive legislation which segregated them has been abolished more than two decades ago. Crimes on account of superstition do continue to occur, but by no stretch of imagination can they be considered to represent a general national trend. The reference to *Thuggee* as a prevalent form of crime is inexplicable. The system of mass robberies and murders practised by roving bands in the middle of the last century are as dead as Sleeman who battled with it and destroyed it. As for the concept of equality of law, there are no grounds to say that the system works in on 'opposite value systems' on account of caste or communal considerations. It is one of the finest traditions of the Indian judicial system that cast, despite its stranglehold on society, has no part in dispensation of justice. Even in the best of the legal systems, equality before the law is not total.

The Indian crime rates, despite the increase in the last decade, continue to be low compared to those of the developed nations, as Table 2 demonstrates.

TABLE 2 CRIME RATES IN SELECT COUNTRIES, 1976

Sl. No.	Country	Population in millions	Total crime	Volume of crime
1.	Burma	28.8	70.005	243.1
2.	F.R.G.	61.8	2,919,390	4721.5
3.	France	53.0	1,823,951	3437.3
4.	India	613.0	1,093,897	178.4
5.	Japan	113.0	1,380,062	1220.3
6.	U.K.	49.1	1,135,713	4342.2
7.	U.S.A.*	206.2	8,537,100	4140.0

\*Figures for 1974.

SOURCE : International Criminal Statistics, 1975-76—ICPO-Interpol.

The low incidence of crime in India as reflected in the international criminal statistics is significant, but there are certain aspects which need closer scrutiny. The total crime in India is attempted to be measured in the above statistics only with reference to the Indian Penal Code, while the bulk of offences under the special and local laws do not figure in them. On the contrary, many countries include

the offences under the special and local laws. Sometimes they are part of the national penal code, with the notable exception of road traffic violations. Although the ICPO-Interpol prescribes that all offences "included in the national criminal statistics" should be covered by the miscellaneous category, member countries of the interpol adopt different procedures and criteria while supplying the data to the international organization. From example, the Japanese statistics include all offences under the penal code as well as under the special and local laws (*excluding traffic offences*), while Kenya, another country with low crime incidence, does not include 'petty offences'. If on the lines of Japan and France, all offences under the special and local laws are included, there has to be an addition of 2,408,090 offences to the volume of crime actually recorded in India which raises the rate of crime to 572.3 as against 178.4 per hundred thousand population. Moreover, police is not the only agency which is concerned with anti-social behaviour. A number of offences are exclusively or primarily handled by the special agencies created for their enforcement. Among these may be mentioned cases of adulteration of food and drugs, violations of economic laws, smuggling, and corruption in respect of which precise statistics are not readily available for the researcher and for which there is as yet no central coordinating agency for collection and compilation of statistics. If they are also taken into consideration, India's low crime rates do not reflect the actual state of affairs and there is cause for concern over the existence of much higher rates of criminality than what are officially reported and published. The sources of these errors and statistical distortions are well known.

All the same, higher rates of criminality in the more developed nations in comparison with India are validated as the statistics in Table 3 in regard to a few selected categories of crime show.

It is undeniable that the more developed nations have comparatively very high rates of crime incidence, but these are also noteworthy differences in the trends and patterns of crime even among the developed nations which cannot be explained away as merely due to statistical aberrations. For example, fraud which is very high in France occurs on a modest scale in the United Kingdom. While some of the developed nations show low rates of homicide, USA and India which are at divergent ends of the development spectrum show comparatively higher rates among the group of countries. There are variations in the levels and nature of crime not only across the nations, but across the regions in the same country. A recent empirical study of Charles Wellford cautions us not to expect to account for variations in the rates of recorded crime with reference to the dimensions of the nations : "The primary characteristics of the nations do not correlate very strongly with the recorded levels of crime...while the expected

TABLE 3 INCIDENCE OF VIOLENCE OF CRIMES IN  
RESPECT OF MAJOR CRIMES, 1975

Country	Major larceny	Minor larceny	Fraud
India	2,27,016 (37.8)	4,21,891 (70.2)	4,16,55 (6.9)
France	2,05,347 (387.7)	10,11,733 (1906.6)	2,87,009 (40.8)
U.K.	5,33,178 (1083.7)	12,67,674 (2576.6)	—
Japan	2,300 (12.5)	10,37,942 (927.2)	32,678 (64.3)
U.S.A.	2,671,430 (1345.5)	53,39,900 (2589.6)	—

SOURCE : International Criminal Statistics—ICPO-Interpol.

NOTE : Major larceny includes robbery, dacoity, and burglary while minor larceny covers all thefts including automobile thefts for which a separate classification is provided in the U.S.A. Fraud includes swindling, embezzlement, misappropriation, forgery and cheating which are classified separately in India. The statistics in respect of U.S.A. are drawn from the Uniform Crime Reports while those in respect of other countries including India are drawn from the International crime statistics published biennially by the ICPO-Interpol.

patterns are observed, the strength of association leads us to opt for more localized, specific (*i.e.*, situational) explanations of crime.”<sup>30</sup>

#### THE NATURE OF CRIME

Starting with the conceptualization of crime as anti-social behaviour punishable by law, some attempts have been made to classify it with reference to spatial location, *modus operandi*, objectives, levels of operation and other special characteristics like the personality traits of offenders and their social status. The penal codes make a general trichotomic distinction between crimes against property, person and the State. There are individual crimes involving crises in interpersonal relations; group crimes in which hierarchical systems operate; and victimless crimes. The motivations of criminal acts cover a vast range of human failings and societal reactions. All these considerations render classification a difficult process, but by and large, the general classification of crime into traditional, organized, white collar and political, applies with equal validity to the criminal phenomenon

<sup>30</sup>Charles F. Wellford, “Crime and the Dimensions of the Nations”, *International Journal of Criminology and Penology*, February, 1974.

in India too, although there can be no rigidity about such classification, and, quite often, there is bound to be considerable overlapping.

Traditional crime is rooted in time-honoured usage and legal acceptance. The Indian Penal Code which represents the core of traditional crime was brought on the statute book in 1861. While some of the offences in the code have lost their punitive and social significance through passage of time, a changing society creates new offences which were not visualized at the time of codification, but by virtue of persistence and magnitude of social harm, attain the status of traditional crimes. The Indian Penal Code resisted all attempts at change, and remained a staunch bulwark of conservatism for more than a century. The compulsions of the times, however, led to some thinking and a Parliamentary Joint Committee suggested a number of changes in 1976 by way of addition of new offences—a process of criminalization which will result in increase in crime without corresponding decriminalization.<sup>31</sup> The socio-economic changes in the last two or three decades have contributed to the growth of organized crime although it has not reached the gigantic proportions in some of the affluent societies as the USA. There, are however, no reasons to be complaisant about a phenomenon whose menace and import are clearly discernible both in the rural settings and in urban complexes. *Thuggee* before it was suppressed in the middle of the last century is an outstanding example of organized crime “which involves the operation of an illegitimate or illegal enterprise by a group with a hierarchical organization or the operation of a lawful business by such a group using unlawful force or threat of force.”<sup>32</sup> Even dacoity in the Chambal ravines of Madhya Pradesh and Uttar Pradesh can be considered as a form of organised crime because the essential ingredients of organization are unmistakably present—hierarchical system, illegal pursuits and use of violence. Organized crime, in reality, is syndicated criminal effort which exploits certain consensual demands in relation no gambling, prostitution, smuggling, bootlegging, etc., and develops some formal structure in urban conglomerations. It exists in much greater degree than admitted by law enforcement agencies, particularly in metropolitan cities. The extent and ramifications of organized crime are nowhere more obvious than in smuggling, an activity in which all communities participate under the informal leadership of a select few.

<sup>31</sup>The Indian Penal Code (Amendment) Bill, 1972. Report of the Joint Committee, 1976. Rajya Sabha Secretariat, New Delhi, January, 1976.

<sup>32</sup>Martin R. Haskell and Lewis Yablonsky, *Criminology : Crime and Criminality*, Rand McNally, Chicago, 1974,

White collar crime, made familiar by Edwin Sutherland in his classic study<sup>33</sup> deserves a separate classification not merely because of its growing impact on modern societies and its universality, but also due to the inapplicability of orthodox criminological theories to it. The post independence era in India with its shift on large scale planning and phenomenal development within the framework of a mixed economy has witnessed stupendous increases in white collar criminality. Dr. Dharma Teja, the pioneering shipping magnate who was responsible for placing Indian shipping on the world map was convicted for a long term of imprisonment for illegally diverting the commissions for personal gain. There are many others who are recipients of national honours and leaders of industry in an emerging society whose criminality is not less serious than that of Dr. Teja. The complexity of white collar crime lies in its socio-political acceptance, its pervasiveness and capacity to withstand conventional scrutiny. It is no more than traditional crime in which the degree of criminality is enhanced by virtue of the social status of the offender. It is not motivated by economic necessity nor triggered by psychological pressures which are sought in the traditional criminal. On the other hand, white collar criminality is the result of insatiable thirst for material gain and monetary success in a society which not only accepts, but strives for them, as approved goals. We take pride in our spiritual heritage, but Indian society has two faces—the spiritual and the materialistic, and it is the latter which prevails.

A significant quantum of crime in India has political overtones, since a number of offences are committed in pursuance of specific political objectives and philosophy. These are usually offences against the State and are resorted to with the primary object of weakening it and creating an appropriate climate for imposition of an alternate political order. It includes assassination of political leaders, sabotage in industry and communication systems, terrorism, civil disobedience, subversion and disruption of public order and violence. The assassination of Mahatma Gandhi (1948) was the act of a fanatic group of Hindus who could not tolerate his political eclectism. The communist movement in Telengana in the fifties and the Naxalbari movement in West Bengal in the late sixties were marked by widespread terrorism, looting and murder. Contemporary India has been a witness to many forms of political crimes ranging from murder to rioting and mass violence, the immediate issue being linguistic differences, regional imbalances, communal intolerance, and politics of dissent and power.

While considering the various forms of crime—traditional or emerging—it is necessary to consider the problem of corruption which is,

<sup>33</sup>Edin H. Sutherland, *op. cit.*

according to Manuel Lopez-Rey a "contributing factor to, and companion of crime."<sup>34</sup> Corruption is a form of traditional crime because it conforms to the legal definition and is incorporated as a punishable offence in the Penal Code as well as in special statutes. It is a form of white collar crime because graft and kickbacks are not confined to the lower minions of the administration, but reach up to the highest administrative and political levels. There is an element of organization when it is systematized through various hierarchical levels. It has also political overtones, and occasionally international ramifications. The annual reports of the Central Bureau of Investigation and the Central Vigilance Commission are a testimony to the seriousness of the problem, and corruption emerges as a *super crime* whose pervasiveness and impact cannot be easily assessed.<sup>35</sup>

Is corruption a phenomenon exclusive to developing societies? Some sociologists seem to think so. In a study of crime in developing societies, Clinard and Abbott express the view that "corruption of government officials is an acute problem in most developing countries in Asia, Latin America, Africa" and assert: "In developing countries, corruption is seldom regarded as 'crime' even though it is specified as a crime. Many developing countries have long traditions of making gifts to persons in authority or to gain some personal advantage."<sup>36</sup> Admittedly, in the Indian context, corruption has its roots in antiquity. Kautilya's *Arthashastra* devotes many chapters to the venality and corruption of the bureaucratic machinery commencing from the humble village official to the highest minister. Kalhana's *Rajatarangini*, an history of the kingdom of Kashmir from the earliest times, speaks at length of extensive corruption and harassment by rapacious officials. The Mughal court was notorious for bribery and corruption, and the gifts of which Clinard and Abbott speak eloquently were considered as normal concomitants of administrative privilege (*nazarana*). Things were no better under the East India Company, whose servants, with a few exceptions were no paragons of virtue. The system was steeped in corruption from the lowly writer to the highest administrator. Clive, Hastings and Colebrooke were only a few who were exposed, but contemporary notes and minutes disclose a vast network of corruption.<sup>37</sup>

Corruption, like crime, exists in varying degrees and divergent

<sup>34</sup>Manuel Lopez-Rey, *Crime : An Analytical Appraisal*, Routledge and Kegan Paul, London, 1970.

<sup>35</sup>See J.B. Monteiro, *Corruption*, Manaktalas, Bombay, 1966; Donald Wraith and Edgar Simpkins, *Corruption in Developing Countries*, George Allen and Unwin Ltd., London. The most comprehensive assessment of corruption of India is provided by the report of Committee headed by K. Santhanam.

<sup>36</sup>Marshall B. Clinard and D.J. Abbott, *op. cit.*

<sup>37</sup>S. Venugopal Rao, *Power and Criminality*, Allied Publishers, New Delhi, 1977.

forms in all societies, and the efforts of some criminologists to find the causative factors in the development process are not convincing. Corruption in developed societies is equally menacing. The Lockheed scandal whose reverberations were felt in many developed countries underscore the pervasiveness and universality of the malady. Manuel Lopez-Rey strikes a realistic note when he says: "The question is whether corruption has not become so widespread in many countries that it constitutes an important contributing factor to crime... In the United States, official inquiries, reports and court cases show that corruption is frequent among politicians and administrative services, police and business. In the USSR, some of the economic crimes, often seriously punished, are the result of corrupt practices in State production. Although varying in form and sometimes in motivation, corruption in both capitalist and socialist countries is often a pattern of life."<sup>38</sup>

It is not the place here to join issue with the eminent criminologist in regard to his assertion that corruption is a contributing factor to, and companion of crime. Corruption is a form of crime; its acceptability up to some undetermined level does not make it less criminal. In the Indian context, it has become the rallying point for dissent. It has engendered social cynicism, administrative debility and loss of faith and has consequently posed a serious threat to its stability and processes of speedy economic development and social integration. It is an acute form of deviant behaviour on the part of advantaged sections of society whose cynical violation of the trust and responsibility has to be rated as no less serious than criminal breach of trust and embezzlement of public monies.

An attempt has been made to fit the contemporary patterns and forms of crime within a conventional classification as a preliminary exercise in presenting the problem of crime in India. The classification is certainly not rigid; there is appreciable overlapping of offences which cover an infinite range of motivations, compulsions and stresses in a society which is changing rapidly. In the total perspective, crime is a phenomenon in which countless faceless individuals react to the social, economic and political compulsions of the day. Each is as important as the totality of these individual aberrations.

A noteworthy trend which has come to the fore in recent criminological studies relates to the distinction that is usually made between developed and developing nations mainly on account of the comparatively higher rates of criminality in the developed nations, and a qualitative change in the nature and patterns of criminal behaviour.

<sup>38</sup>Manuel Lopez-Rey, *op. cit.*

The validity of this distinction as an intrinsic feature of development, is, however, not very convincing. Crime, in any country, is a creature of the law of the land, and determined by a variety of social, cultural, economic and political factors relevant to that society. The manner of evolution of its criminal law may have some impact on evaluation and accordingly lead to some marginal differences, but by far the most important feature of a developed society is the vast increase in opportunities for crime which partly explains the higher rates of criminality. Society has never been, and will never be static. All nations are developing all the time. It is not as though at a predetermined point of time the developed nations will stop 'developing' and allow the under-developed or developing nations to race towards the goal at differential rates of progress. If crime is the *sine qua non* of development, should nations stop developing? Or, is crime the price man has to pay for development? Lopez-Rey accepts that the distinction is equivocal, but considers important because "owing to their characteristics and resources and the fact that crime differs from country to country, criminal policies cannot be the same for developed and developing countries, and for that matter, for all countries of the same group."<sup>39</sup>

As a country opens up new areas of activity, and consequently an ever-increasing range of opportunities are created. Forecasting of crime and its qualitative patterns bristles with a number of imponderables, but contemporary trends can, to some extent, help in visualising the future directions of criminality. For instance, blood feuds and faction murders have shown a definitely decreasing trend as the levels of education and literacy rise and the once isolated power pockets in rural settings are opened up for economic development. The same is true of murders committed on account of age-old superstitions and beliefs in rituals and propitiation. The number of such cases have shown a remarkable fall in the last two decades, although occasionally some gruesome and bizarre cases come to notice. Land disputes provided an important motive for murder in the past. The strength of this motivation is bound to be gradually attenuated in the flux of extensive legislation which imposes ceilings on land acquisition and possession. On the other hand, higher expectations and aspirations generated among the weaker sections are likely to lead to higher degree of aggressiveness and conflict in the face of resistance to change. Dacoity in the Chambal valley is an age-old traditional offence which has defied all conventional attempts of control as gangs of dacoits emerged with disconcerting regularity and pillaged the countryside. Thanks to a unique experiment in penology which led to the mass

<sup>39</sup>Manuel Lopez-Rey, *op. cit.*

surrender of hundreds of dacoits, the area is comparatively free of this type of crime, and this trend may be expected to be maintained with the gradual opening up of these pockets of crime through extensive development programmes which are already changing the face of the region. On the other hand, dacoities and robberies are likely to increase considerably in the general context of development process. Bank robberies have been virtually unknown in India, but with the phenomenal expansion of banking in the rural and remote areas, a spurt in such offences may be reasonably anticipated. Other criminal offences which can be associated with the extension of banking are fraud, embezzlement and corruption, the indications of which are clearly visible. Burglary and theft have always been the major constituents of traditional crime in the country, and there are bound to be significant increases in both in the coming years. The expanding network of communications and power systems provide opportunities for theft of wire and transformers, for both of which there is a persistent demand due to shortages and growth of industry in a joint economy. Transformer thefts have become so serious that ordinary preventive measures were found to be totally inadequate. During 1975, in Uttar Pradesh alone, the police registered 3711 cases of theft of transformers involving a loss of 50 million rupees.<sup>40</sup> Thefts of automobiles and spares are reported increasingly in cities while highway robberies and hold-ups of motor vehicles and buses on lonely stretches of roads are progressively rising in the rural areas. Another disquieting feature which has to be anticipated is the serious loss of life on account of traffic accidents. The number of deaths on roads involving motor vehicles in 1974, was 12,379 constituting nearly 11.2 per cent of all accidental deaths in the country,<sup>41</sup> and there can be no doubt that it will go up very considerably in the coming years. As fresh fields of industry, trade and commerce, communications and transport, travel and education enlarge, one can visualize an explosion of antisocial acts triggered by the vastly increased opportunities and the economic pressures on large segments of population, and these will include the common traditional crimes like theft and robbery and the more sophisticated variety of white collar crime, and socio-economic offences.

From the foregoing analysis of the trends of crime in the present setting and likely developments in the future, it is difficult to accept the statement of Manuel Lopez-Rey and other comparative criminologists that "crime differs from country to country".<sup>42</sup> It is one of those

<sup>40</sup>*The Times of India*, November 11, 1976.

<sup>41</sup>*Accidental Deaths and Suicides in India*, Bureau of Police Research and Development, Government of India, 1974.

<sup>42</sup>Manuel Lopez-Rey, *op. cit.*

intriguing and ambivalent statements which is as true as it is incorrect. Admittedly the crime rates in developed societies are generally much higher than in developing countries, the strategies adopted are divergent and penal legislations have different thrusts and shifts in consonance with the political philosophy and economic perspective, but it is difficult to see how the 'nature' of crime differs. In advanced technological societies the criminal is as much aided by technology as the policemen, but this is a problem which has greater relevance to preventive and investigative techniques than to crime causation. Theft does not undergo any qualitative change whether the object stolen is a bicycle (in a developing country) or an automobile (in a developed society). Murder has the same connotation in both developing and developed nations. The same is true of robbery, embezzlement, counterfeiting of currency, fraud and other offences against person, property and the State. The 'emerging' forms of criminality are merely a sequel to the changes in the social structure which create or accentuate tensions in human relationships and provide new opportunities for deviant attitudes and behaviour. The differences noticed relate to external manifestations, higher rates, and the degree of technology and organization which are characteristic of all fields of human activity, not excluding criminal behaviour. At any rate, the differences do not justify viewing crime in two perspectives. It is like using a comparison microscope with lenses of different magnification, the results of which are bound to be distorted. □

## TWO

# TRUTHS, HALF-TRUTHS AND CRIMINAL STATISTICS

SO much has been written in criminological literature on the unreliability and intangibility of criminal statistics that it may appear that I am merely labouring a point which has already been well made. Yet, the techniques of quantification and measurement of crime in any society and the degree of success achieved in the compilation of national criminal statistics are so vital to our understanding of the crime problem that they demand special attention. What is the degree of accuracy of our criminal statistics? Has an acceptable element of uniformity been achieved? Can they be taken even as a rough index of the crime situation in the country? What is the quantum of unknown or hidden crime? In short, can the crime statistics published by the official agencies be utilized meaningfully for designing a criminal policy? These questions are as valid in India as in any other setting, but have to be examined in the particular milieu in which they are collected and published.

It does not require profound criminological insight to assert that for every crime which is statistically counted there are many which are omitted from the official purview. The reasons are well-known. They relate to the problems of reporting and recording, the concept and categorization of crime, the prevailing public attitudes towards the police, police performance and practices, and the differential exposure potential of some crimes. The 'dark figure' of criminality in modern societies involves a number of imponderables in regard to the event *per se* and the individual responsible for it as well as the divergent administrative and judicial procedures.

We are confronted with a variety of crimes—unknown; known but not reported; reported but not recorded; recorded but upgraded or downgraded; reported and recorded but not detected; and reported and detected, but not sustained in courts. Criminal statistics have to cover

not only the event but also the individuals involved in it. There is a plurality in a single event extending at times even to whole sections of society. The assessment of individual criminality assumes increasing complexity due to the sieving processes of the criminal justice system which reduce the criminal population progressively.

Crime is not an open activity. Even when a victim is directly affected, a crime may not be exposed on account of the attitude of the victim himself, and the fear of exposure of his own involvement. To this may be added the reluctance of the victim to be drawn into protracted criminal proceedings, and fear of reprisals. Other factors which have an impact on reporting are the triviality of offences, and the lack of communicating facilities in areas which are inadequately policed. In regard to victimless crimes, the scope of exposure depends entirely upon the efficiency and integrity of the enforcement agencies. By and large, this is true of all offences against the State and certain forms of organized crime and institutionalized practices such as prostitution, gambling, profiteering and black-marketing, drug-traffic and adulteration of food and other socio-economic crimes. The difficulties in estimating the 'dark figure' are further accentuated by the absence of even primary data in regard to those transgressions which are handled by numerous agencies with varying degrees of development and technical competence.

How near can we be in estimating the 'dark figure'? The first attempt to determine the proportionate maximum and minimum limits of latent crime in respect of different categories of crime was made by Wehner. He estimated that the total of unknown crime including unreported crime would vary "between a minimum of twice and a maximum of four times the number shown in criminal statistics".<sup>1</sup> A Norwegian study by Nils Christie and others, however, found 'good accordance' with official data, a feature which could be ascribed perhaps to the advanced state of Norwegian statistics and crime reporting.<sup>2</sup> Similar studies have also been carried out extensively in the United States, adopting widely different methodologies. In England, Avison and Rose calculated that 29 per cent of men would be convicted of an indictable offence some time during their lives.<sup>3</sup> There have been many efforts of a similar nature in other societies as well, but they have not been referred to here due to considerations of space. Despite their sound methodological base, the estimates are no more than 'intelligent guesses'. They might not have succeeded in

<sup>1</sup>B. Wehner, *The Latency of Criminal Acts*, Bundeskriminalamt, Weisbaden, 1957.

<sup>2</sup>Nils Christie, J. Andennaes and S. Skirkerk, "A Study of Self-reported Crime", *Scandinavian Studies in Criminology*, Vol. 1, 1965.

<sup>3</sup>G.N.G. Rose and N.H. Avison in a note appended to Leon Radcinowicz, *Ideology and Crime*, Heinemann Educational Books Ltd., London, 1966.

converting the intangible dark figure into a substantial statistical form, but their value lies in projecting a definitive relationship with reported crime as concluded by Radcinowicz :

There is little reliable factual evidence on which to assess the total size of the dark figure. It is certain that the figure is a very large one, that it varies widely with different offences, and that it varies in relation to many other factors, to social and economic changes as well as to alterations in the law and its enforcement . . . My own estimate would be that crime fully brought out and punished represents not more than fifteen per cent of the total . . .<sup>4</sup>

If this is the position in countries where police systems are well organized and sophisticated systems of statistical compilations are in vogue, it is needless to attempt 'an intelligent guess' of the extent of latent criminality in other societies. But the generalization that in developing countries research into the extent of unknown crime is ill-received because it goes "against governmental points of view or stress the inadequacy of the existing legislation"<sup>5</sup> stems from a misapprehension and an inadequate appreciation of the rapid strides that have been made in recent years to strengthen the statistical machinery in some developing countries. It is certainly not true of India where a countrywide system had been introduced as early as in 1902, and criminal statistics are compiled centrally for the whole country and published annually from 1953.

Research on the quantum of unknown crime has not been attempted on a large scale in India as western experience has established the futility of such an endeavour. Even informal or casual surveys have brought out that a very considerable amount of crime remains unreported. The reasons are more or less the same except that the likelihood of certain types of crimes not being reported is higher in the Indian context due to lack of communication facilities and traditional inhibitions. A skeletal assessment carried out in 1967 covering three major cities and a district pointed out the existence of 'a substantial amount' of unreported delinquency among the lower income groups and this was estimated to be nearly half of what is reported.<sup>6</sup> David Bayley, while studying the role performance of the police in the context of political development had occasion to comment upon the unreliability of criminal statistics. Its relevance to the police

<sup>4</sup>Leon Radcinowicz, *op. cit.*

<sup>5</sup>Manuel Lopez-Rey, *Crime : An Analytical Appraisal*, Routledge and Kegan Paul, London, 1970.

<sup>6</sup>United Nations, Bureau of Social Affairs, "Juvenile Delinquency in India", Document No. SOA/SD/CS, 1967.

image cannot be questioned. But when he comes to the problem of statistics, he was merely stating the obvious: "The offence may be too trivial; the distance to the police stations may be too great; the expectations of productive outcome may be too meagre; reporting may expose the individual to harassment from the criminal or his friends; the individual, family or group may not welcome the intrusion of outsiders and prefer to handle the matter themselves; the offence may be embarrassing to the victim as is the case in sex offences; and finally, there may neither be victim nor witness who feels that a wrong has been committed . . ."<sup>7</sup>

All these reasons are valid for any country—developed or developing. It is, however, true that in India, a large amount of crime remains unreported not only due to the various causes enumerated above, but also partly due to the continued adherence to the traditional modes of resolution of tensions at the village and community level. It is perhaps better that it is so, since the majority of offences so resolved are usually not very serious. The age-old institution is unfortunately breaking down under the impact of change, and will further contribute to increase in crime and consequent involvement of a larger number of people in vexatious criminal proceedings.

Insofar as criminal statistics are concerned, the distinction which is constantly attempted to be made between the developed and developing nations has repeatedly figured in international forums. In a working paper presented at the Fourth United Nations Congress on Crime Prevention and Treatment of Offenders (Kyoto, 1970) it was voiced:

If statistics pose problems in developed countries that have reasonably comprehensive and systematic procedures, the problems are all the more serious in developing countries where many services are not nation-wide, procedures are not uniform and data are unavailable or sketchy.<sup>8</sup>

The only solution which the Congress could suggest was improved recording procedures. In the light of uncertainty that persists even in developed countries regarding the quantum of unknown criminality, will the solution even if it can be brought within the realm of reasonable practicality, provide a convincing answer to this particular dilemma in criminology?

The fact is that in any society there will always be an indeterminate quantity of unknown crime which has to be ascribed not merely to the

<sup>7</sup>David H. Bayley, *The Police and Political Development in India*, Princeton, 1969.

<sup>8</sup>United Nations, "Organization of Research for Policy Development in Social Defence", Fourth UN Congress on the Prevention of Crime and Treatment of the Offenders, Kyoto, 1970.

inadequacies in reporting and recording but also to the socio-economic and political conditions of that society. It is always not easy to bring it to the surface for penal action although elite public opinion may persistently demand it. The continuance of invidious discrimination of vast sections of untouchables despite stringent penal legislation<sup>9</sup> for more than a decade in India is an outstanding example of the gap between the law and its enforcement. Fraud and embezzlement are more extensive than what is reflected in official criminal statistics. They are not reported because the firms and governmental organizations prefer dispensing with the services of the guilty employees rather than draw adverse publicity of their functioning. Systematic pilfering and stealing continues in public undertakings and national projects, but much of it remains undetected and written off as unaccounted losses. Vandalism and theft contribute to staggering losses in the public transportation systems, but the proportion of reported crime is negligibly small. The real extent of material damages sustained in public and political agitations and student disturbances cannot even be reasonably estimated. Thefts on the railways run into millions of rupees annually, but the bulk of them are not reported on account of their triviality and the inconvenience which the victim suffers in addition to the loss. An example of criminal communities developing can be seen near Mughal Serai, one of the biggest railway marshalling yards in the world, in which a very large number of people are directly or indirectly involved in operations of theft and disposal of stolen properties. Throughout the country, there are innumerable pockets of crime surrounding railway yards, industrial establishments, sea-ports, pilgrim centres and markets but it is not often the full potential of their criminality is known. The phenomenal growth of venality and corruption in administrative services is widely known, but what is exposed is only an insignificant fraction. And then, there is the whole range of white collar and socio-economic crimes of which much is written and talked about, but little is revealed. In 1975-76, undeclared income to the tune of Rs. 1,800 crores was brought to the surface through an intensive scheme of voluntary disclosures under the penalty of summary punishment and preventive detention. There are reasons to believe that this merely constitutes a very small portion of 'black money' in the country.

A recent study has demonstrated the alarming extent of possession and manufacture of illicit arms despite reasonably enforced regulation of arms control in the country.<sup>10</sup> Another area in which official statistics have little or no relation to reality pertains to kidnapping of children. The official figures are ridiculously low as against which we

<sup>9</sup>The Untouchability (Offences) Act, 1955. See G.B. Sharma, "Enforcement of Untouchability Offences Act in India", *Political Science Review*, Vol. 13, 1974.

<sup>10</sup>S. Venugopal Rao and T.R. Kalra, *Use of Fire arms in Crimes of Violence*, Bureau of Police Research and Development, New Delhi, 1976.

have an enormous number of children reported as 'missing'. Admittedly, a good number of missing children are school drop-outs, vagrants and absconders from homes, but an indeterminate number cover genuine cases of kidnapping for ransom, begging, bonded labour, and prostitution. Barely a decade ago, the practice of kidnapping children and maiming them barbarously for purposes of begging by organised criminal cartels necessitated stringent penal provisions in the code. Official reports give an impression that this barbaric crime against children is fully suppressed, but the recent exposure at Jullundur (Punjab) of an inter-State gang of mendicants confirms that the evil practice persists, and scores of children are kidnapped from different parts of the country to be used as hapless, maimed beggars in the streets or as passive agents in homosexual practices.<sup>11</sup> The difficulties in estimating the precise number of such offences arise from the existing procedures of investigation of cases of missing children. When distraught parents report an occurrence, it is not known whether a cognizable offence has been committed or not. No elaborate machinery has been developed to pursue the investigations to the logical end. Tracing a missing child is like searching for a pin in a haystack, and the police enquiries, inhibited by time and distance are often superficial and ineffective. Cases are registered for appropriate action only when it is clearly established that a crime has occurred or a child is traced and it is in a position to reveal the circumstances of its disappearance in a convincing manner.

Another area of criminal activity in which the scope for detection and exposure is very low is the traffic in girls. Economic and demographic pressures are behind the clandestine sale of girls. Slick and debonair agents and soft-spoken matrons move about the countryside to snare gullible girls and their parents into bogus matrimonial contracts which invariably end in the sordid brothels of big cities. In a recent exposure, a hapless Kerala girl was sold five times in quick succession to the brothels of Bombay. The case is not an isolated one. It would be difficult even to hazard a guess regarding the extent of commercial prostitution which exists on a scale much bigger than what is recognized and accepted, due to crystallized social attitudes and lack of comprehension of the capacity of this vice to survive through new forms and techniques. A Professor of sociology has gone to the extent of saying that "prostitution in modern cities is integrated into the functions of many associations and organizations that it has become well-nigh impossible to distinguish between a woman who is a prostitute and who is not".<sup>12</sup> It is certainly an overstatement, but

<sup>11</sup>Similar instances are reported periodically from all parts of the country.

<sup>12</sup>K. Ranga Rao, "Prostitution: Open and Clandestine", *Social Health Quarterly Letter*, October, 1963.

there are a number of salient factors surrounding the 'oldest profession' which prevent its surfacing. In societies where open prostitution is permitted, it is confined to demarcated areas; on the other hand, when it is suppressed, clandestine prostitution springs up in the most unlikely places and intertwines inextricably with the social fabric. Since the passing of the Street Offences Act in Great Britain in 1959, a whole system of call-girls has evolved which "includes girls operating in sleazy backrooms in Soho to the undetectable inmates of Mayfair penthouses."<sup>13</sup> The International Abolition Federation Congress stressed the new development saying: "There has been a tremendous growth in the call-girl system; the girls adopting such methods as the use of touts at railway stations, to invite travellers at parties; the use of advertisements for models or dancing partners, and the insertion of advertisements in various publications."<sup>14</sup> A situation, not entirely dissimilar to that mentioned in the European context, has already well developed in the Metropolitan cities of India. Individual prostitution has expanded in an ever-increasing measure and in diverse forms. What is known or detected constitutes merely an infinitesimal part of the total phenomenon which we prefer not to see.

Prostitution derives its validity from the law of demand. As Dr. William Robinson says: "Men patronize prostitution because they possess a normal sex instinct which, because of our socio-economic conditions and moral code, they can satisfy in no other way, and because that instinct has, in many men, retained its strongly polygamous not to say, promiscuous, character."<sup>15</sup> It is debatable whether prostitution will vanish with complete sexual equality. Will not Dr. Robinson's assessment have equal validity to both sexes? Will not prostitution not only increase but also be accepted as a way of life as permissible for women as for men? In many countries homosexuality among consenting males is no longer an offence. Will not future law-makers be forced to accept the reality of hetero-sexual relations which have so far been guided and directed by male chauvinism? These questions highlight the extreme unreliability of what is known and dealt with as an evil and antisocial conduct, what is known but deliberately ignored because of the consensual need, and finally what cannot be known at all because it is so inextricably and invisibly woven into our social fabric.

Among the traditional crimes, murder has the highest exposure potential and rape, the lowest. There are grounds to suspect that an

<sup>13</sup>Fernando Henriques, *Modern Sexuality : Prostitution and Society*, Vol. 3, MacGibbon and Kee, 1968.

<sup>14</sup>Antony Greenwood, *Report in the Manchester Guardian*, September, 1960.

<sup>15</sup>William Robinson, "Prostitution, the Oldest Profession in the World : Its Underlying Causes and its Future", *Report to the Sexual Reform Congress*.

indeterminate number of murders remain undetected and are dealt with as natural deaths, accidental deaths and suicides. As a young Superintendent of Police in a District which has an extensive irrigation canal system, I often used to wonder how many cases of drowning—accidental or suicidal—reported with disconcerting regularity were in reality murders. The difficulty in establishing violence lay in the perfunctory and belated post-mortem examinations conducted on bodies in an advanced state of decomposition and putrefaction. Many cases of poisoning also are disposed of as cases of physical illness and intestinal disorders, particularly in rural areas where instant medical assistance is not forthcoming and closely knit communities exert their influence to suppress crime. In urban areas, the chances of a murder coming to the notice of the police are much higher, but a small proportion of murders remains unknown due to the ingenuity of the perpetrators, apathy of the public and inefficiency, and at times, collusion on the part of the police. This aspect was well brought out in a recent study on urban patterns of murder. "It is difficult to assert with any degree of certainty the extent to which the offence of murder is suppressed in the community. In urban areas the quantum of suppression is likely to be less than in rural areas."<sup>16</sup> On the other hand, the offence of forcible rape is the least reported and investigated and does not figure prominently in Indian criminal statistics. In a recent study on rape victims, H.N. Ramchandani reiterates the fairly well known reasons for suppression which include among other things, the reluctance of the parents to expose the 'defilement' of their daughters and the grueling experience of the victims during police investigations and court trials.<sup>17</sup> Emphasising the same point, Khushwant Singh estimates that no more than one in every twenty cases of rape is reported to the police and of the cases reported, only half are followed by arrest and prosecution, and out of every hundred rapists only three go to jail.<sup>18</sup> His estimate appears to have been based on a sociological study by Susan Brownmiller and reflects the position as it exists in contemporary American society. In India, where traditional prejudices and middle class values continue to dominate the attitude towards women, the estimates are much lower. In the USA, during 1974, the estimated number of cases of forcible rape reported to the police was 55,210.<sup>19</sup> The corresponding figure for India during the same year was 3,000 which is significantly low for a country with a population of nearly 600

<sup>16</sup>S. Venugopal Rao, *Murder : A Pilot Study of Urban Patterns*, Central Bureau of Investigation, New Delhi, 1967.

<sup>17</sup>H.N. Ramchandani, "Rape Victims : The Legal Odds", *Femina*, June 21, 1976.

<sup>18</sup>Khushwant Singh, "Violence against Women", *Illustrated Weekly of India*, September 25, 1976.

<sup>19</sup>*Uniform Crime Reports*, Federal Bureau of Investigation, Washington, 1974.

millions. One of the features of law which precludes free reporting of this type of crime is the provision that the evidence of the prosecutrix in a case of alleged rape should be treated with extreme circumspection. Rightly or wrongly, the Indian law is still guided by the dictum of Lord Hale: "Rape is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, the never so innocent."<sup>20</sup>

Burglary and theft are the main constituents of crime in India. The volume of crime in regard to both these offences is considerably higher in urban complexes than in the rural areas which has to be ascribed partly to lack of reporting facilities. India is served by about 11,000 police stations whose average jurisdiction works out to about 50 square miles. The prescribed procedure for reporting of crime is through written complaints which could be made either directly in person or through authorized official agents. The long distances preclude free reporting of crime unless it is serious or involves heavy financial loss. In many States reports have to be reduced in writing by the village officials and transmitted to the police station. When reports are received at police stations, the reaction of the Station House authorities could be differential and apathetic. Many crimes are not recorded (even if investigated) for fear that police efficiency would be judged with reference to the number of cases detected. Even when recorded, the gravity of the offences is reduced with the object of preventing superior supervision. Quite often, offences of burglary are reduced to theft and the value of property stolen is under-assessed. The suppression of crime is endemic in police administration due to misplaced emphasis on statistical assessment of police efficiency. Many complainants dread to go to police stations to report crime for fear of ill-treatment and rudeness. The attitude of the rural police has changed little in the last two decades, and much crime remains suppressed even when reported. Many Commissions have noticed the police proclivity towards suppression of crime and statistical manipulation, but no appreciable change in police attitudes is discernible. The paucity of resources and investigative personnel, coupled with lack of adequate transport and communication facilities inhibit free registration of crime, which has to be viewed as a salient factor in the intransigent problem of latent criminality.

At times, crimes may be reported, but the criminality of the participants may never come to light, as in some group offences. Dacoity is an offence which is committed by a group of persons acting in concert. The identity of all the participants is never known. Contrary to general impression, a large number of rapes are not committed by

<sup>20</sup>Manuel Lopez-Rey, *op.cit.*

'loners' but by groups. Out of 59 murders reported during a year in the capital city of Delhi, 26, i.e., 44 per cent of the number were committed by more than two accused.<sup>21</sup> Thefts and burglaries could be the handiwork of either individuals or gangs—casual or professional. In association with them are the middlemen, fences and receivers who may never come to notice, and even if they do, the police may not be able to secure enough evidence to get them convicted. Counterfeiting of currency needs organization and a network of agents to help circulation of fake money. By far, the most important of group offences in which the majority of participants escape notice relate to violations of public order and rioting.

The extent of organized crime in Indian cities is not known. No systematic studies have been made in the country yet. The Indian cinema projects a highly distorted picture of crime and its organizers living in luxurious villas with underground passages and secret chambers of torture, but they are mostly the creations of imaginative script writers. The existence of some element of 'organization' in such criminal and quasi-criminal activities like prostitution, manufacture and sale of liquor, gambling, and smuggling has to be accepted although it is nowhere near the levels of organized crime in the American cities. In a well reasoned analysis of organized crime, Manuel Lopez-Rey distinguishes two types of organized crime—one of the American variety which is socially more dangerous with its trappings of clan and hereditary links, and the other which has only a loose organization "of an *ad hoc* nature with subsequent dispersal, little reliance on corruption, protection and infiltration, less frequent use of brutal methods of disposal, limited range of activities almost exclusively in the form of crime against property".<sup>22</sup> Organized crime in the cities of India, much of which escapes notice belongs to the second category, the extent and magnitude of which is difficult to estimate. Constant allegations of collusion and apathy on the part of the police may not always be substantiated, but they do lend colour to the fear that semi-organized crime which has support of the power pockets of the underworld (*dadagiri*) does thrive in the larger Indian cities.

The other facets of hidden criminality which deserve special attention relate to crimes committed under the cover of office—the deliberate acts of omission and commission which are considered necessary in the larger interests of society. They are mostly offences committed by public servants in the discharge of their duties for a desirable public objective as for example, detection of crime itself. They include violations of fundamental rights, unauthorised use of force, third

<sup>21</sup>S. Venugopal Rao, *op. cit.*

<sup>22</sup>Manuel Lopez-Rey, *op. cit.*

degree methods and arbitrary arrests and false accusations. The penal law of the country devotes an entire chapter to offences by public servants in which one provision deserves special notice: "Whoever, being a public servant knowingly disobeys any direction of the law as to the way he is to conduct himself as such public servant intending to or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both."<sup>23</sup> Despite the above prohibition, instances of the use of third degree methods to elicit confessions from persons suspected of crimes, use of force beyond the prescribed limits in the dispersal of unlawful assemblies, and scant respect for life are not unfamiliar on the Indian scene. The use of third degree methods in criminal investigations has attracted universal condemnation, but its origins lie really in the traditional ordeals which the ancient Hindu law approved. Deaths in police custody are fortunately rare, but the occasional instances which come to light are the symptoms of a deep malady whose existence has to be suspected. The Government of India and the State Governments issue strongly worded directives and State Police Manuals prescribe severe departmental and legal action in the event of violations, but their impact is not sufficiently felt at the lower levels of the police organization. The general impression among the public that the police are trigger-happy and do not hesitate to use force on the slightest pretext particularly against the hapless and defenceless sections of society persists in no small measure despite periodical reforms in the recruitment and training programmes of the police. Public resentment against 'police brutality' manifests in serious violence and disorder occasionally as it did at Balaghat in Madhya Pradesh in 1975 where the death of a prisoner in police custody triggered off widespread arson and serious violence. Hyderabad, the capital city of Andhra Pradesh was rocked by unprecedented violence consequent on the rape of a woman by two policemen and the death of her husband in police custody in 1978. Such crimes, however, do not come to surface in a greater measure due to the self-defensive mechanisms inbuilt into the security services, the supportive loyalties of the force, and the disinclination of the Government to permit public exposure for fear of demoralising the police force.

The prisons constitute another important area of deviant behaviour under official cover, much of which is not revealed. Deprivation of the rights of the prisoners, abuses surrounding small privileges, homosexuality, violence, smuggling of food, liquor and tobacco, venality and corruption exist in varying degrees and cannot be totally

<sup>23</sup>The Indian Penal Code, Sec. 166.

denied. The prison environment itself contributes to an array of transgressions among the inmates as well as the guardians. Lopez-Rey's assessment that "over-crowding, poor professional training, poor selection and remuneration of guards pompously called correctional officers, obsession with security measures and the viciousness of some prisoners explain why many crimes remain unreported"<sup>24</sup> has equal relevance to the Indian situation as well.

Finally, there are anti-social activities of a political nature, the magnitude of which is not easy to determine with any degree of accuracy. These 'crimes' are committed both by the protagonists and opponents of the establishment. Some political groups do not abhor violence if it advances their cause, and in this process crime and transgression of law become the rationale of protest and dissent, the bulk of which remains unknown. The establishment also develops dual standards of morality and encourages the criminal activities of its agents in the name of security. Elsewhere, a passing reference has been made to criminality under the cover of diplomacy and intelligence. No country is free from this evil, but the powerful nations have a more unsavoury record of crime which has little scope of being brought on record in conventional crime statistics.

Even when crimes are reported to the police, there is no certainty that they would be recorded and pursued in the prescribed manner. The prevailing distinction between cognizable and non-cognizable offences in the Indian Penal Code is a case in point. Some of the non-cognizable offences are serious enough, but the framers of the Code retained them under a distinct class of offences which could be treated as regular offences only with the approval, and under the direction of a magistrate. This classification was motivated by a desire to decriminalize the offences which are not sufficiently serious and in which there is an element of tort, and to limit police intervention in the day-to-day life of the community to the minimum. All the same, the classification is artificial, arbitrary and unscientific. One of the most deleterious effects of this distinction is the creation and sustenance of a distorted image of the police who are compelled to refuse to entertain complaints on the ground that their substance does not initially constitute a 'cognizable' offence.

The method of recording and counting also contributes to considerable inaccuracy in the statistics of reported crime. A reference was made to single offences which are the handiwork of many individuals. There is the reverse situation of a single criminal event in which a number of offences could be simultaneously or in quick chronological sequence forming an integral part of the main offence could be

<sup>24</sup>Manuel Lopez-Rey, *op. cit*

committed. A man may carry an unlicensed weapon, commit house-breaking, overawe the inmates; murder or cause bodily injury and commit theft. These individual offences are not treated as separate entities in crime statistics which take into account only the major crime, viz., murder. This method of statistical compilation is not peculiar to India and appears to be the practice in most countries as a recent cross-cultural study reveals: "Upon capture, the common practice is to try the man for the most serious offence...In most cases of serious crime, a half-dozen or more criminal acts will only be recorded statistically as one crime."<sup>25</sup>

One of the major planks of criticism against the reliability of criminal statistics relates to the charge, not altogether without basis, that the police adopt ingenious methods of manipulation. The tendency to judge police efficiency against a statistical background has had the most debilitating effect on free registration of crime. Quite often, crimes are not registered, but the police go through the motions of investigation. When a criminal organization is exposed a whole series of offences are registered and given due disposal to enhance the quality of statistical achievement. Many police officers constantly urge free registration since this is the only means of knowing the crime situation in any area to plan effective strategies of preventive action, but the problem is not viewed in the same perspective at the grassroots level. Even politically, spectacular increases in crime are not relished since they become a convenient handle for the opposition who interpret them as a breakdown in public order.

The element of uncertainty in criminal statistics in India, as elsewhere, stems from the very concept of crime and the administrative procedures devised to deal with it at various stages of prevention, investigation and adjudication. Since every individual crime is the result of interplay of a number of social, cultural and psychological factors, it has to be related to the latter in a meaningful manner. As it is both a sociological phenomenon and a facet of individual behaviour, it has to be seen and measured in its environment, and at the same time linked to the human factors. Once the event of crime 'happens', it has to be fitted into the criminal justice system. All these constitute the limits of criminal statistics which are ever expanding due to the incessant demand for more information.

Crime statistics have a tendency to create attitudinal extremes of alarm and complacency. They could be very misleading; and insistence on judging police efficiency has resulted often in the suppression of crime and consequently made preventive and correctional policies

<sup>25</sup>Dae H. Chang, *Criminology: A Cross-cultural Perspective*, Vikas Publishing House, New Delhi, 1976.

totally unrelated to the actual state of affairs. As Bloch and Geis say : "Crime statistics constitute an illustration of the possibility of an indicator being poorly adopted to reflect the nature and significance of social changes, with the result that it conveys sometimes one-sided, sometimes reversed value implications."<sup>26</sup> Crime statistics are also distorted by the ever-changing patterns of law and law enforcement, varying demographic characteristics, spatial diversities, political and administrative pressures, economic changes and police attitudes.

Crimes reported to the police are the earliest in point of time, while judicial and correctional statistics, despite their greater accuracy (being concerned with the persons involved in the events), represent a further fragmented section of the total phenomenon. Ideal crime statistics, should, however, encompass all information right from the point of incidence to the final stages of disposal and penal action. The problem of coordination between all the components of criminal justice administration which is vital for policy formulation and implementation, however, continues to elude us.

In India, the beginnings of criminal statistics can be traced to Despatch No. 69 of 6th July, 1860 of the Secretary of State for India who pointed out that the information transmitted from India in regard to the police and their performance was defective in many essential details. The suggestion that a beginning might be made with the preparation of annual returns in various provinces was considered by the All India Police Commission of 1860 which prescribed a set of elementary forms of crime statistics. The emergence of a rudimentary statistical system more than a century ago has to be viewed in the context of development of the police in the country, and the state of crime at the time. The codification of criminal law and criminal procedure at about the same time highlighted the need for uniformity, but it was not till 1902 that a positive effort was made. The Police Commission of 1902 examined the problem with the object of making police and crime statistics an integral part of the administration reports of the provinces. A number of new forms were introduced and these were approved by the Government of India in their Despatch of 17th June, 1905. Except for some minor changes ordered in 1908

by the 1902 Commission, the forms were more and served the administrative needs of individual provinces where police systems, while conforming to the general organizational pattern envisaged by the Police Act, 1861, developed procedures and practices in consonance with local traditions. The statistics were incomplete even geographi-

<sup>26</sup>Herbert A. Bloch and Gilbert Geis, *Man, Crime and Society*, Random House, New York, 1970.

cally as they related only to the British provinces. What transpired in the feudal jurisdictions of 500 and odd princely states will perhaps be never known. No attempt was made to compile and publish criminal statistics at the national level.<sup>27</sup>

A breakthrough came only after independence when the problem was re-examined in 1953 after the integration of the princely States. Considering that police administration and maintenance of order are State subjects under the Indian Constitution, compilation of national statistics on a uniform basis could have presented a number of difficulties but the compulsive need for them and a practical approach which limited the demand only to basic data helped in surmounting the procedural and administrative problems of cooperation and achieving the requisite degree of uniformity. The Government of India commenced the publication of statistical data annually in *Crime in India*, and over the years, it has met the immediate administrative requirements.

The need for adequate data in greater depth for administrative action and long-term research was recognized by the Police Research Advisory Council set up by the Government of India in 1965. In the following year, a committee was constituted to examine the feasibility of expanding the scope and coverage of the existing statistics. The report of the Committee brought out that the statistics were based on certain hypotheses and assumptions which were no longer valid in a rapidly developing society. It pointed out the need for elimination of conceptual ambiguity, inclusion of minimal socio-economic data, urban-rural composition, coverage of emerging forms of criminality, and development of quarterly series.<sup>28</sup> An obvious defect in the system prior to 1968 was the element of confusion arising from the backlog of cases carried over from the previous years and awaiting disposal by the police and the courts. Since there is always a small percentage of cases which are treated as false after due investigation, a concept of 'true' cases had been developed in the earlier statistics. The Committee accepted in principle that it was virtually impossible to avoid this element of confusion and decided that statistics in respect of investigation and trial stages should be separated and the concept of 'true' cases should be dispensed with.<sup>29</sup>

The decade 1960-70 was noteworthy for highlighting the problem of juvenile delinquency in the country. The passing of the Children's

<sup>27</sup>For a detailed account of the development of criminal statistics in India, See P.N. Dave, *Police Research and Development Journal*, Second Quarter, 1974, Bureau of Police Research and Development, New Delhi.

<sup>28</sup>S. Venugopal Rao, "Crime Statistics in India", National Seminar on Social Statistics, Ministry of Planning, Government of India, March 1975.

<sup>29</sup>S. K. Mukherji, "Crime Statistics in India: A Commentary", *Indian Journal of Criminology*, Vol. 12, No. 2, July, 1974.

Acts in some States, the founding of juvenile correctional institutions and an explosion of research in this area brought the need for systematic collection and publication of statistics to the forefront. A national seminar on "Juvenile Delinquency : Role of the Police" (1965) spelt out the immediate needs. While strongly urging regular publication of juvenile delinquency statistics, the Seminar felt that as the police departments had a widespread organization and special interest in juvenile delinquency, they should be the appropriate agency to coordinate data collection at the district and the State levels.<sup>30</sup> In regard to the Committee's suggestion that relevant socio-economic data should also be incorporated, insurmountable difficulties were anticipated in view of the existing statistical machinery and manpower available particularly at the Police Station level where the initial reports are handled. It was, therefore, decided that statistics of juvenile delinquency should be restricted to basic data regarding age, sex, educational level, recidivism, religion and social background of the child.

The pragmatic approach of both the Committees in 1968 contributed in no small measure to the form and content of the criminal statistics which are more comprehensive and purposeful than what was visualized by the Police Commission of 1902. The annual publication *Crime in India* is the only source of official statistical information on crime and delinquency in the country. It represents a remarkable endeavour considering that data collection and compilation on a uniform basis for the entire country is dependent on voluntary cooperation of the States and Union Territories. It attempts an analysis of crime in time and space and works out the volume of crime per hundred thousand of the population for different categories of criminal offences. In regard to the element of urban-rural composition of crime, however, difficulties were encountered, and hence, the report merely furnishes crime statistics separately in respect of all cities having a population of hundred thousand and more. Presently, crime statistics are collected and compiled by the police under the following heads:

- (i) incidence of crime under important heads of crime under the Indian Penal Code and the Local and Special laws, and their disposal by the police and the courts;
- (ii) the number of persons arrested and their disposal;
- (iii) incidence of juvenile delinquency, apprehension and disposal of juveniles, and their socio-economic background to a limited extent; and
- (iv) specific information of importance from the point of view of investi-

<sup>30</sup>Proceedings of the Seminar on Juvenile Delinquency : Role of the Police, Central Bureau of Investigation, New Delhi, 1965.

gation and judicial processes, *e.g.*, classification of property stolen and recovered, motives for murder, recidivism, age and sex of victims in select crimes and the strength and casualties of the police.

Judicial statistics are presented in the annual reports of administration of criminal justice in various States. The compilations are neither uniform nor regular. The Economic Statistical Bureaux of the States incorporate them in their annual abstracts, and these, in turn, are included in the Statistical Abstract, Government of India. The information which is not easily accessible to the researcher directly from the judicial sources is generally out of date. Statistics concerning the inmates of jails and other institutions are compiled by the Inspectors General of Prisons in States. The National Institute of Social Defence Department of Social Welfare, is the coordinating agency for compilation and publication of correctional statistics at the national level. Here again, inordinate delays in publication are noticeable.

The most obvious lacunae in Indian criminal statistics are the delays in publication and the numerous errors and inconsistencies in primary collection. Gradually, these deficiencies are being overcome through computerization of crime records—a programme which has already been initiated by the police. It is expected that in a not too distant future, all the States will be constituent parts of the nationwide network of computerized criminal record system. Another deficiency is the omission of vast amount of crime of socio-economic nature which is handled by the special agencies. While the machinery evolved by the police for compiling statistics of traditional crime is fairly satisfactory, thanks to a series of innovations and reforms over the last two decades, the same cannot be said of the socio-economic offences. The statistics published in the annual publication pertain only to those cases handled by the police while the bulk of offences are left out. The reliability of statistics relating to corruption, smuggling, adulteration of food and drugs is, therefore, questionable.

It is necessary to touch briefly on the familiar criticism that crime statistics in the present form are of little use to the researcher. The critics overlook the fact that primary collection of statistics is made at the grassroots level of police administration and there is a limit up to which criminal statistics can be improved, particularly in regard to sociological and economic data. The demand is understandable, but no administration, whether in developed or in developing societies, will be prepared to transform criminal statistics into voluminous sociological compendia for research. The colossal nature of the problem calls for circumspection. It would be more realistic to adopt *ad hoc* sample surveys and other research techniques to supplement the existing data instead of burdening criminal statistics with a huge mass of material

which may only be occasionally used. Indeed, improvements and refinements are possible and necessary, because no organizational effort can be perfect at all points of time, but they should conform to the basic objectives and immediate administrative goals.

The problems relating to criminal statistics figure prominently in international forums of criminology. It was the subject matter of prolonged discussions at the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Kyoto, 1970). The equivocation between the developed and the developing nations persisted even in this area and the advice given was that "while financial and personnel constraints, particularly among developing countries, often preclude the establishment of comprehensive statistical systems, much more could be done with what is or what could easily be made available."<sup>31</sup> The working paper presented at the Congress even went to the extent of considering collection of statistical data as 'obsolete' on the ground that modern information systems make it possible to derive aggregated data from case informations as a byproduct and not as a direct process. Does this mean that we can do away with the elaborate statistical machinery which we have built through many decades of trial and effort? Certainly not, for in the same breath the paper accepts the "inherent complexity of the reality which the mix of statistical data represents".<sup>32</sup> Even in the developed nations which have at their behest sophisticated techniques of statistical compilation, there is universal recognition of the limitations of statistics compiled by the police. This has led to new ventures. One is the "offender based transaction statistics" (OBTS) the feasibility of which is being explored in the United States. It is 'longitudinal' and thus can highlight the movement of the offender through the criminal justice processes, tracking all agency actions involving him. New indices are also being developed to determine the relative seriousness of criminal events and select group responses to crime.

The need for refined techniques in some research areas is obvious, but care should be taken to ensure that they are not extended to the entire range of statistics which have to be compiled empirically by official agencies in the course of their work. As statistical techniques improve and modern technology lends its helping hand with electronic data processing and improved communication systems, the inputs are bound to increase and we will have a greater mass of information. But the basic question still remains. What is the extent to which criminal statistics should be enlarged for the purpose of criminological

<sup>31</sup>United Nations, "Economic and Social Consequences of Crime", Working Paper for the Fifth UN Congress on the *Prevention of Crime and the Treatment of Offenders*, Geneva, 1975.

<sup>32</sup>*Ibid.*

research? A question which was asked with characteristic candour by Nils Christie who accepted that the various agencies of the criminal justice system have their own priorities and organizational goals in preference to providing data for the researchers. There is also some substance in the argument put forward by him that "the more sophisticated the counting, the less sophisticated the understanding of the phenomenon being counted".<sup>33</sup> David Biles defined hard data as "extensive statistical material satisfying the criteria of reliability, validity, and representativeness".<sup>34</sup> If this criteria was rigorously applied to criminal statistics in any country—developed or developing, no data produced by the official agencies can claim to be hard at any point of time. It is for this reason that researchers have to be reconciled to the type of soft data which the official agencies produce.

In discussing the inadequacies of criminal statistics, we have desisted from referring to criminality in terms of actual detection, *i. e.*, in relation to offenders not only found, but also convicted after the due process of law. Indeed, it is not the apprehension but actual conviction which determines the criminality of the offender and gives a perspective view of the criminal stereotype. In India, there is no category of crimes 'cleared by arrest' and detection rates are determined by convictions in courts which may occur many months—even years—after the incident. In a recent provocative study, Bottomley and Coleman posed the question: "How far can we speculate about the identity and characteristics of those persons who are responsible for a majority of uncleared crimes? Are the typical patterns of suspicion employed by the police in the detection of criminals *as a class*, based on what may be the only sketchiest outlines provided by the knowledge of detected criminals?"<sup>35</sup> The argument can be pursued further to question the utility of studies of criminality undertaken on the basis of a very small fraction of criminals coming to notice from amongst the vast criminal population which is never known. The issue becomes more relevant to those categories of offences in which the rate of detection is so low as to throw serious doubts about the validity of studies conducted on the basis of samples which can be considered as virtually unrepresentative.

Admittedly, the major research in criminology has to be empirical. The patterns and trends of crime on a spatial or time scale are necessary to establish the relationship between crime the structure of society in which it is generated and handled; and, what is equally important,

<sup>33</sup>David Biles, "Evaluative Research Without Hard Data", UNSDRI Workshop, *op. cit.*

<sup>34</sup>Nils Christie, "Is it Time to Stop Counting?" Workshop on Evaluative Research, UN Social Defence Research Institute, (Rome), Geneva, September 1975.

<sup>35</sup>A.K. Bottomley and C.A. Coleman, "Criminal Statistics and Police Role in the Discovery and Detection of Crime", *International Journal of Criminology and Penology*, Vol. 4, No. 1, 1976.

the data can provide a working basis for law-enforcement and preventive strategies. At the same time, the need for research in depth on the 'dark figure' of hidden criminality cannot be denied however frustrating the effort appears. Particular mention may be made of self-report studies and victim surveys which may, to some extent, be able to bridge the gap between the official statistics and the harsh reality of the indeterminate quantum of unknown crime. "The investigation of unregistered criminality will, even if it does not bring about any revolution in the outlook on crime and criminals, certainly challenge the established dogmas of present day criminology....In general, it is to be expected that the study of unregistered criminality will invigorate criminology by supplying a new tool of investigation and by illuminating many traditional problems of criminology from a new perspective".<sup>36</sup>

It is for this reason that some scholars have begun to assert that statistics "ought to be studied in their own right rather than from an instrumental point of view".<sup>37</sup> The trend was set by Kitsuse and Cicourel who described crime rates as indices of 'organizational process'.<sup>38</sup> Yet another view is that "crime rate is not an epiphenomenon...it is a part of the natural world".<sup>39</sup>

The known crime is often compared to the 'tip of an iceberg' in criminological literature. The analogy holds good now and for all time to come. It is chimerical to imagine that any country, however, developed, can expose all that lies below the surface. Maybe it is neither necessary nor desirable that all crime should be exposed. If every crime is known, and every criminal is brought to book, will society be able to cope with crime which has already reached forbidding proportions in many societies? It is perhaps as well that all crimes do not come to the surface and a number of offenders go undetected. One must reluctantly admit that many of the offenders who do not go through the grinding and traumatic experiences of the law process, do revert to normalcy. If crime were to be the order of the day, what would be societal reaction? Will rehabilitation continue to be the sheet-anchor of our penal policies, or will societies revert to retributive practices which marked the earlier attempts to control crime? These are not hypothetical questions; they constitute one of the major dilemmas of Criminology. □

<sup>36</sup>I. Antilla, "The Criminological Significance of Unregistered Criminality", *Excerpta Criminologica*, Vol. 4, 1964. See also Roger Hood and Richard Sparks, *Key Issues in Criminology*, World University Library, Weidenfeld and Nicolson, London, 1970.

<sup>37</sup>A.K. Bottomley and C.A. Coleman, *op. cit.*

<sup>38</sup>I.I. Kitsuse and A.V. Cicourel, "A Note on the use of Official Statistics", *Social Problems*, 11, 1963.

<sup>39</sup>D.J. Black, "Production of Crime Rates", *American Sociological Review*, 35, 1970.

### THREE

## NATIONAL TRENDS

THE three decades (1948-1977) after India's emergence as a free nation witnessed three distinct trends of crime—an intriguing decrease in the first half of the fifties, a steady increase commencing from 1956 and maintained till 1975, and a substantial fall in 1976. Starting with the base year of 1948 when the estimated mid-year population was 342.1 millions, crime which was of the order of 625,909 reported cases under the Indian Penal Code registered a startling fall to 535,236 in 1955 and then gradually rose to 1,156,372 cases in 1975 thus registering an overall increase by 116 per cent over the crime level in 1955 and by 84.8 per cent over that of 1948.<sup>1</sup> The increase in crime was corollary to the growth of population which nearly doubled itself, but the spectacular decrease in the early fifties presents a puzzling phenomenon.

Since criminality in any society has to be judged not by the incidence in bulk but by the volume or rate of crime for a fixed number of population, it is the latter which determines the trends. Table 1 shows the initial decline and subsequent rise of crime in relation to population growth.

Crime which was fairly steady in the first four years after independence commenced falling in 1952. The declining trend continued till 1955 whereafter it took an upward swing haltingly at first, but more definitively after 1960, as Table 2 demonstrates.

While population rose by 74.8 per cent over the base year 1948, crime had displayed an erratic trend. The lack of uniformity in the earlier phases is reflected in Fig. 1.

<sup>1</sup>The official criminal statistics for the entire country are presently compiled and published by the Bureau of Police Research and Development, Government of India. The Bureau came into existence in 1970. Prior to that, the statistics were published by the Central Bureau of Investigation from 1964 to 1970. The official publications are available only from 1953, and the figures for the earlier years were collected from the archives.

The graph suggests that apart from population growth which should normally result in a monotonic increase in crime, there are other extraneous factors which have an impact on criminality.

TABLE 1 INCIDENCE OF CRIME IN INDIA (1948-1977)

Year	Estimated mid-year population (in millions)	Total Cognizable crime under IPC	Rate of crime per 100,000 of population
1948	342.1	625.909	182.9
1949	349.7	654.019	187.3
1950	353.0	635.508	180.0
1951	361.1	649.728	179.9
1955	389.3	535.236	137.4
1961	437.7	625.651	143.0
1966	498.7	794.733	159.4
1971	549.8	952.581	173.3
1974	588.3	1,192.277	202.7
1975	600.8	1160.520	193.2
1976	613.3	1093.897	178.4
1977	625.8	1,267.004	202.5

SOURCE : *Crime in India*, 1977, Bureau of Police Research and Development.

TABLE 2 PER CENT GROWTH RATES OVER THE BASE YEAR (1948)

Year	Population	Crime	Crime Rate
1950	+ 3.18	+ 1.53	— 1.59
1955	+ 13.79	— 14.49	— 24.87
1960	+ 26.19	— 3.13	— 23.19
1965	+ 39.87	+ 20.08	— 15.59
1970	+ 56.18	+ 52.64	— 5.04
1975	+ 74.80	+ 84.75	+ 5.74

The differential growth of crime rates in quinquennial time sectors is demonstrated in Table 3. The per cent growth or fall has been calculated with reference to the base year of each time segment.

During the first three years (1948-50) a marginal increase in crime by 1.53 per cent contributed to a lower rate of crime, but in the next stage (1950-55), while the population steadily rose, crime fell so precipitously that the rate of crime registered a dramatic decline by 23.67 per cent. The period 1955-60 appears critical in crime development as may be seen in the sudden spurt of crime which correspondingly raised the crime rate, and resulted in a reversion to the previous trend.

The total cognizable crime which was 649,728 in 1951 fell steeply to 535,236 in 1955, an all time low in independent India. Indeed, the highest incidence of crime was reported in 1949, a record which was

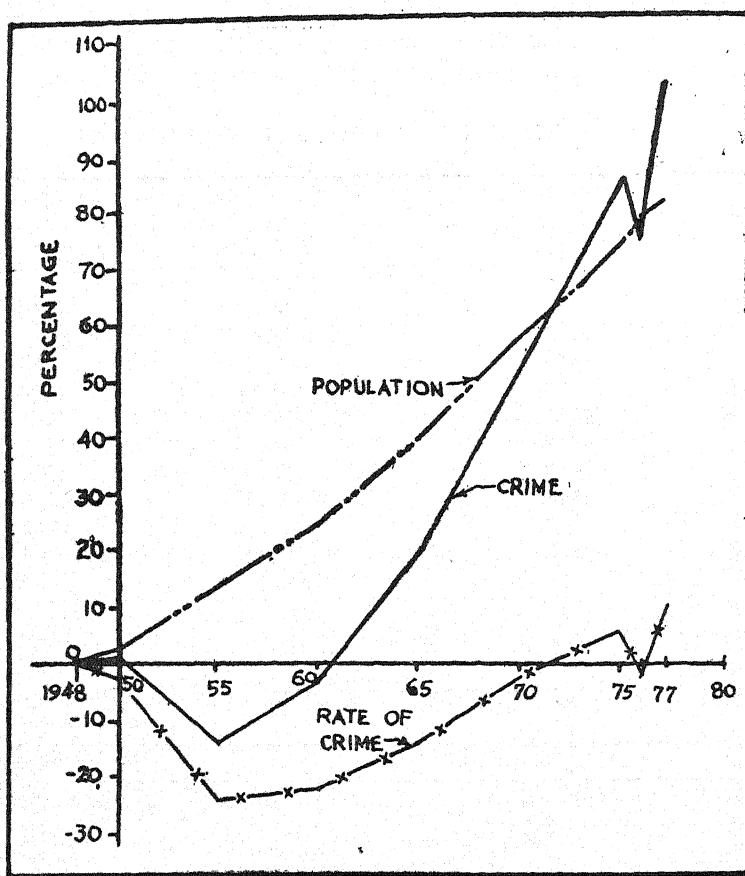


Fig. 1 Population, Crime and Crime Rate (48-77)

TABLE 3 QUINQUENNIAL GROWTH RATE : POPULATION AND CRIME

Time sector	Population	Crime	Rate of crime
1948-50	+ 3.13	+ 1.53	- 1.59
1950-55	+ 10.30	- 15.78	- 23.67
1955-60	+ 10.32	+ 13.28	+ 2.69
1960-65	+ 11.61	+ 23.95	+ 11.04
1965-70	+ 11.66	+ 27.11	+ 13.81
1970-75	+ 11.92	+ 21.03	+ 8.16

broken only in 1962. The remarkable fall despite the growth of population contributed to the enigmatic crime rates reflected in Fig. 2.

The Government of India attributed the downward trend in the early

fifties to the improved economic situation in the country. They said: "The improvement in the economic situation which was observed in 1953 and 1954 was continued in 1955 and in the year under review (1955) Indian economy achieved even greater strength and vigour."<sup>2</sup> But was it really so? Were the 'strength and vigour' of the Indian economy in the short period of four years immediately after independence so forceful that not only an increase in crime was prevented, but

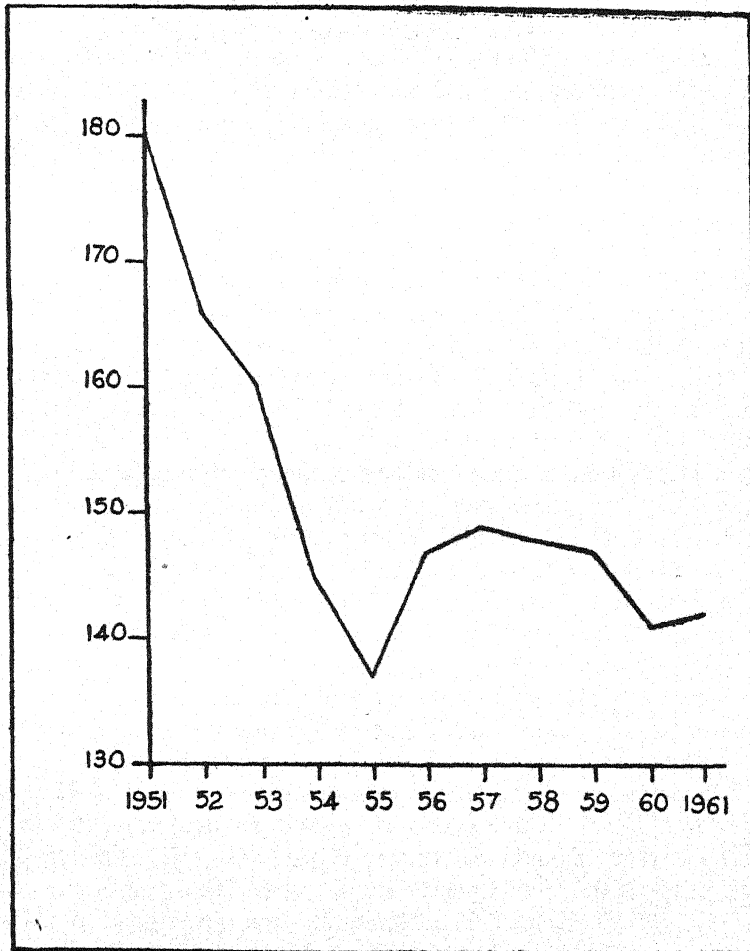


Fig. 2 Crime Rate (1951-61)

<sup>2</sup>*Crime in India, 1955*, Government of India, New Delhi.

it was also brought down in a sensational manner?

The sensitiveness of state police departments to comments on their performance *vis-a-vis* crime has generally precluded an objective analysis of crime trends by the Government of India who collect and publish the annual statistics. The attempt of Baldev Raj Nayar to interpret the statistics in relation to socio-economic indicators is a pioneering one.<sup>3</sup> Nayar's empirical study of 1975 projects the Indian situation in relation to socio-economic indicators and performance of the political system. It thus breaks new ground, makes a serious attempt to relate crime in the national and regional settings to system performance. Nayar, however, is not a criminologist, and on his own admission, the study did not develop out of intellectual concern for crime. His study is based on two general hypotheses that long term trends in crime are "basically a function of national capabilities in both the economic and political sectors", and deviations from the general inverse association are related to "specific countervailing tendencies in respect of either political or economic capabilities".<sup>4</sup>

The three important features of the national crime trends (Fig. 2) which Nayar tried to fit into the framework of his hypotheses are the 'dramatic decline' in crime in the first five years of the fifties, the curvilinear trend in the second half and the increase after 1960 with trend interruptions in 1963 and 1965. Nayar's findings demand critical scrutiny.

Nayar ascribed the 'dramatic decline' in crime during 1952-55 to the relative stability in the economic and political capabilities in those years and the subsequent rise to their deterioration. These findings partly support his hypothesis that crime is a "human response to economic distress and political discontent", but they do not convincingly explain the phenomenal decline in a period which even according to Nayar was "if not of great advance in living standards, at least one of modest improvement accompanied by little government imposed deprivation".<sup>5</sup> It was a time when economic distress might have been alleviated to some extent, but the same cannot be said of political capability, if we remember that this period coincided almost with the armed struggle of the communists in Andhra, Telengana and Kerala, and political discontent was manifesting itself in linguistic agitations. There were other areas of dissent too. Although the first General elections under the Constitution were held in 1952, an element of disenchantment was beginning to show. It is, therefore, difficult to accept that the 'relative stability' in the economic sphere was strong enough not only to resist anti-social trends but

<sup>3</sup>Baldev Raj Nayar, *Violence and Crime in India*, The Macmillan Company of India Ltd., Delhi, 1975.

<sup>4</sup>*Ibid.*

<sup>5</sup>*Ibid.*

to reduce them so perceptibly.

David Bayley who had briefly touched upon the whimsical crime trends in India was more categorical because he was not inhibited by a limited hypothesis. He said : "The pattern of crime development in India is certainly surprising. Rising crime rates are the rule among the nations of the world, and an almost static incidence of crime measured in absolute terms is unheard of...Is India *sui generis* or are the figures suspect ? The question cannot be answered authoritatively yet. It is easy to criticize existing statistics, but is it fair to assimilate India to wider world pattern — a pattern most clearly documented in the western world—and to ignore the possibility of critical uniqueness ?"<sup>6</sup>

Is India critically unique? Was there anything in the years 1952-55 unique which contributed to the unprecedented decrease in the incidence of crime? It was not merely a case of static incidence as observed by Bayley, but it is the distinct fall in the total incidence of crime which has to be explained. There were other extraneous factors too in the statistical riddle. It was in the year 1953 that the Government of India began to publish the annual statistics of crime after streamlining the statistical machinery in the erstwhile provinces and native States absorbed into the Indian political system. Prior to 1947, the Home Department of the Government of India collected crime statistics on the lines recommended by the Police Commission of 1901-2 and this was confined to the British Provinces only. Immediately after independence, an attempt was made to incorporate the statistics of the erstwhile States with differential levels of administration, but the integrity of the statistics can be considered to have been stabilized only after 1955. Even in 1955, it was noticed that the incidence of crime in Part B States with 20.2 per cent of the population was only 16.4 per cent of the total cognizable crime in the country.<sup>7</sup> The low crime rates in the feudal administrations of native states are not surprising, but with their gradual merger with the mainstream of Indian administration, rising crime rates would have been in order.

Nayar ascribes the curvilinear trend in the years 1955-60 to the impact of miscellaneous crimes of a 'catch all category' of whose political and social significance, he felt 'little could be said'.<sup>8</sup> On both the counts Nayar does not appear to be treading on firm ground. It is not correct to say that the precise nature of the constituents of the miscellaneous category is not known and may well be changing from time to time. The miscellaneous group covers all the offences under the Indian Penal

<sup>6</sup>David H. Bayley, *The Police and Political Development in India*, Princeton University Press, New Jersey, 1969.

<sup>7</sup>*Crime in India, 1955, op. cit.*

<sup>8</sup>Baldev Raj Nayar, *op. cit.*

Code which are not listed under the eleven categories of offences listed in Table 1, Chapter 1. They are offences against the person or property or State and have a bearing on inter-personal relationships and socio-economic and cultural tensions. To deny social or political significance to them does not appear to be logical. In so far as their impact on the overall crime situation over a period of time, Table 4 showing the quantum of miscellaneous offences in the total cognizable crime brings out the fallacy of Nayar's generalization.

TABLE 4 COMPOSITION OF MISCELLANEOUS OFFENCES

<i>Year</i>	<i>Total cognizable crime</i>	<i>Miscellaneous crime</i>	<i>Proportion per cent</i>
1955	535,236	126,436	23.6
1956	582,170	135,221	23.2
1957	603,550	162,342	26.9
1958	614,184	173,887	28.3
1959	620,326	188,772	30.4
1960	606,367	183,294	30.2

In view of the progressive increase in the quantum of miscellaneous crimes it is difficult to accept the contention of Nayar that "it is the category of miscellaneous crimes that is responsible for the curvilinear trend".<sup>9</sup> Normally, miscellaneous crimes constitute about 30 per cent of the total cognizable crime and this ratio has been stabilized after 1960. In 1973 it rose to 32.4 per cent, the annual variations during the thirteen years being marginal. The very low proportion of these cases till 1956 does not by itself account for the curvilinear trend.

The trend interruptions in the years 1963 and 1965 occurred despite a steady rise in the incidence of crime in the sixties (Fig. 3).

The incongruous fall in crime in the two years was attributed by Nayar to the "intense enhancement of *symbolic* political capabilities strong enough to override deprivation inherent in the long-term deterioration of economic and political capabilities" occasioned by the euphoria and sense of 'togetherness' generated by the Chinese aggression in 1962 (the effects being felt in the subsequent year) and the conflict with Pakistan in 1965. Pursuing the same line, he felt that the marginal fall in crime in the year 1971 could be due to a similar response to the crisis in Bangladesh. A comparative statement of the incidence of crime for the country as a whole and for some States shows that Nayar's conclusions are impressionistic (Table 5).

<sup>9</sup>Baldev Raj Nayar, *op. cit.*

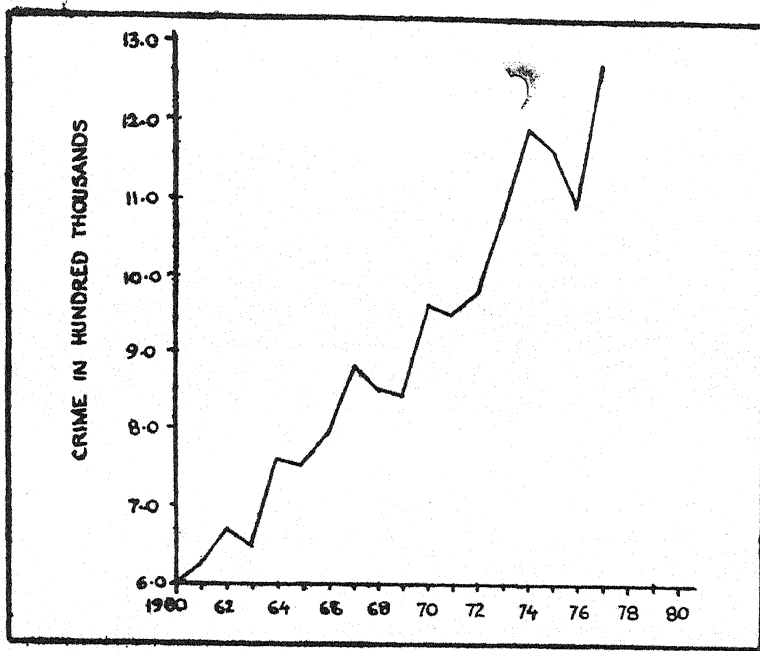


Fig. 3 Trend Interruptions

TABLE 5 INCIDENCE OF CRIME : ALL INDIA AND SOME STATES

State	Total cognizable crime (in thousands)					
	1962	1963	1964	1965	1970	1971
All India	618.4	658.8	759.0	751.6	955.4	952.5
Assam	18.9	19.2	20.1	20.2	25.9	28.2
Bihar	58.5	63.7	69.0	67.9	84.0	83.2
J & K	4.0	3.8	4.3	4.0	6.4	5.5
Punjab	18.1	18.4	19.2	19.3	12.4	11.4
U.P.	127.7	132.2	150.2	141.9	233.7	236.3
W. Bengal	30.4	50.0	77.3	74.1	84.5	78.5

SOURCE : *Crime in India*, op. cit.

In the three years of trend interruption, total cognizable crime in the entire country fell, in comparison with the preceding years by 15,600 in 1963, 7,400 in 1965 and a negligible 3,000 in 1971. Can we accept these reductions as indications of "enhancement of symbolic political capability" despite progressive deterioration in the political and economic life of the country? If so, why were not the decreases uniform? On the other hand, we notice a bewildering pattern in the States. In 1963,

the States which were directly affected by the Chinese incursion, *viz.*, Assam, West Bengal, Himachal Pradesh, Bihar and Uttar Pradesh registered increase in crime, the most prominent being West Bengal. The solitary exception was Jammu & Kashmir which recorded a marginal reduction. The fall in crime was most noteworthy in respect of far-flung States on whom the impact of the Chinese aggression could be considered as minimal, *e.g.*, Maharashtra and Tamil Nadu, which points more to the effect of local policies of registration.

Moreover, the States did not display an identical trend in regard to the Indo-Pakistan conflict of 1965. Maharashtra which registered an appreciable fall in crime in 1963, reported a totally contrary trend in 1965. Even Punjab which was in the thick of the Indo-Pakistan confrontation registered a marginal increase while in Jammu & Kashmir, the bone of contention, crime was almost steady. In regard to the Bangla Desh crisis in 1971, the overall reduction in crime was minimal and cannot be regarded as significant. While one of the States on which the impact was the maximum—West Bengal—reported lower crime rates, Assam, another major State which was equally affected experienced a rising trend. In perspective, it appears strange that the trend interruptions at the national level were mainly due to substantial reductions of crime in Maharashtra (1963), Uttar Pradesh (1965), and Tamil Nadu (1971) which were geographically removed from the impact of the hostilities. The regular reduction in crime in Tamil Nadu on all the three occasions is also noteworthy. One cannot help asking why the other southern States did not register a similar response. There is no quarrel with the hypotheses that wars have influence on crime<sup>10</sup> but the incidents, notwithstanding their ideological and political significance, were not protracted hostilities and it would be stretching a point to find visible impact on the overall crime situation in the country.

From the foregoing, Nayar's two hypotheses which attempt to isolate the criminal phenomenon from the vast medley of socio-cultural, economic, political, demographic and psychological factors raise serious doubts regarding their validity. The pitfalls into which the analysis has led should warn us against generalisations notwithstanding their attractiveness. It is also doubtful whether an undue concern with annual fluctuations is appropriate in the analysis of long-term trends since they may not genuinely reflect the performance levels, but, on the contrary, may be more responsive to local conditions.

To conclude the preliminary discussion: a critical analysis of the statistics available leads us to some important findings: (1) the integrity

<sup>10</sup>Hermann Mannheim, *Comparative Criminology*, Routledge and Kegan Paul, London, pp. 91-599,

of criminal statistics during the four years (1952-55) is suspect and consequently they deserve to be ignored in an analysis of long-term trends; (2) there is a distinct and steadily growing trend in the sixties which is consistent with population growth although the comparatively lower crime rates may be partly due to the inertia imposed by the spectacular reduction in the early fifties; and (3) the annual fluctuations in crime are more a reflection of transient local factors and divergent policies of registration of crime than of economic and political capabilities.

India's crime rates, compared to many other nations—both developed and developing—are modest and manageable, and to date, well within the confines of the growth of population. Indeed, in a world seething with horrendous growth of crime, they are not alarming. Compared to 1949 when the volume of crime was 187.3 per hundred thousand of population, the crime rate has risen only to 197.2 in the course of twenty-eight years. Here is perhaps the 'critically unique' feature in the socio-cultural setting of India which David Bayley thought was distinct in a wider world pattern. If it were really so, it may yet provide a clue to the challenge for crime in our society at least.

#### SEASONAL FLUCTUATIONS

Environment does not relate merely to the immediate neighbourhood surrounding an individual. It covers a vast range of stimuli which are rooted in the wider geographical setting and exerts an influence on the life-styles, motivations, urges and capabilities of the inhabitants. The contention of geographers that climate and terrain influence human behaviour finds some support at least by the element of regularity in criminological data.

Writing in the *Annals of the American Academy of Political and Social Sciences* in 1941, Joseph Cohen observed: "The geographers are apparently not sufficiently interested in crime to study the relationship, and the criminologists are not disposed to regard investigations of the physical phases of geography and climate as promising much insight into criminal behaviour."<sup>11</sup> The lack of interest on the part of one and disenchantment of the other are not surprising. In the early phases of development of criminology, numerous attempts were made to relate crime to geographical factors. The 'Thermic Law' of Adolphe Quetelet enunciated that the nature of crime was influenced by climate, the warmer regions being more prone to crimes against person.<sup>12</sup>

<sup>11</sup>Joseph Cohen, "The Geography of Crime", *Annals of American Academy of Political Science*, Vol. 217, September 1941.

<sup>12</sup>An objective assessment of Adolphe Quetelet's work is made by Hermann Mannheim, *op. cit.*, pp. 96-97.

Lacassagne also came to a similar conclusion on the basis of an analysis of crimes in France between 1825 and 1880 that property crimes were more frequent in the cold winter months.<sup>13</sup> Towards the end of the last century, Dexter tried to find the influence of weather on criminality in a comparative study of two major cities in the USA, but he was not able to arrive at any positive conclusions.<sup>14</sup> The famous study of Wolfgang on homicide also did not confirm any convincing relationship between seasonal variations and homicide rates.<sup>15</sup> On the other hand, an earlier study by Brearly indicated that "the months of heavy agricultural work produced less violence than months of leisure."<sup>16</sup> Among the more recent contributions to this field of study is the work of Keith D. Harris (1974), but in the words of Mannheim, such studies, although "less prejudiced and using more refined statistical techniques, fail to corroborate the findings of the more enthusiastic and less critical studies of the nineteenth and the early twentieth centuries."<sup>17</sup>

Notwithstanding the disheartening fact that the investigations into the relationship between crime and climate have often been inconclusive, an element of regularity in seasonal variations of crime in India has been noticed.

While the trend of crime lacks uniformity in the first two quarters, there is a distinct upward swing in the third quarter (July-September), the singular exception being the year 1975 as shown in Table 6. That year, however, was an exceptional one since a state of Emergency was imposed in June and, in its wake, abnormal punitive and preventive action was taken not only against political dissenters, but also against anti-social elements including habitual criminals, smugglers, racketeers and *goondas*.

What then are the factors of 'accentuated criminality' which appear to be a regular feature in the third quarter of each year? Before proceed-

<sup>13</sup>A brief account of the early attempts is presented competently in H.E. Barnes and Negley K. Teeters, *New Horizons in Criminology*, Third Edition, New Delhi, 1966. Lacassagne is more well-known for his oft-repeated cliché that a society gets the criminals it deserves.

<sup>14</sup>References to Edwin G. Dexter's work on weather influences on crime have been made in almost all text books of criminology. In a comparative study of crime in New York and Denver, he found that violence was more frequent in warm summer months than in the cold months.

<sup>15</sup>Marvin E. Wolfgang, *Patterns in Criminal Homicide*, 1958. See also Wolfgang and Ferracuti, *The Subculture of Violence*, Tavistock Publications, London, 1967. There is considerable literature on weather and its influence on criminal behaviour in journals of psychology and psychiatry. The reader's attention is drawn to the work of Pokorny and Davis. *The American Journal of Psychiatry*, February, 1964.

<sup>16</sup>H.C. Brearly, *Homicide in the United States*, Chapel Hill, 1932.

<sup>17</sup>Hermann Mannheim, *op. cit.* See Keith D. Harris, *The Geography of Crime and Justice*, McGraw-Hill Book Company, New York, 1974.

TABLE 6 QUARTERLY DATA OF TOTAL COGNIZABLE  
CRIME IN INDIA

Year	1st Qr. Jan-Mar.	2nd Qr. Apr-Jun.	3rd Qr. Jul-Sept.	4th Qr. Oct-Dec.
1963	156,578	162,789	175,874	172,927
1965	174,433	177,958	183,511	184,252
1966	177,405	206,353	208,656	201,500
1969	193,955	201,634	277,795	210,205
1971	229,709	232,042	245,337	235,626
1972	234,698	232,283	259,611	260,958
1973	244,721	251,178	278,162	275,909
1974	257,169	284,903	312,214	302,471
1975	290,757	280,294	283,120	271,204

NOTE : The statistics have been collected from the quarterly crime reviews published by the Government of India in the Indian Police Journal or independently. It is noticed that the annual figure computed from quarterly data differs slightly from the annual figures of crime published in *Crime in India*. The discrepancy, however, is marginal.

ing further, it is necessary to examine the seasonal fluctuations of some important categories of crime which are graphically presented in Fig. 4.

The individual offences examined are murder, robbery, theft and burglary. Murders are more numerous in the second quarter (April-June) lending some credibility to the theory that heat and humidity have an impact on inter-personal relationships. A recent Indian study did not convincingly confirm the findings but this could be due to the fact that study was limited to urban trends.<sup>18</sup> The trend of murder being more prominent in the warmer months of summer is, however, in consonance with the limited findings of Brearly, Miller and Wolfgang.<sup>19</sup> There is a tendency for robbery also to increase in the second quarter, but it is not as distinct as in the case of homicide. Burglary and theft display significant and consistent rise in the third quarter (July-September). The only difference between these two categories of crime which, incidentally, form the bulk of crime in India is that while burglary which reaches a peak in the third quarter and falls perceptibly in the winter months, a similar trend is not noticeable in thefts. This is easily explained by relating it to opportunity. In the summer months and at the onset of the monsoon, when the weather is hot and humid, most people sleep in the open either on terraces or in the backyards leaving their

<sup>18</sup>S. Venugopal Rao, *Murder : A Pilot Study of Urban Patterns*, Government of India Press, New Delhi, 1967.

<sup>19</sup>H. C. Brearly, *op. cit.*

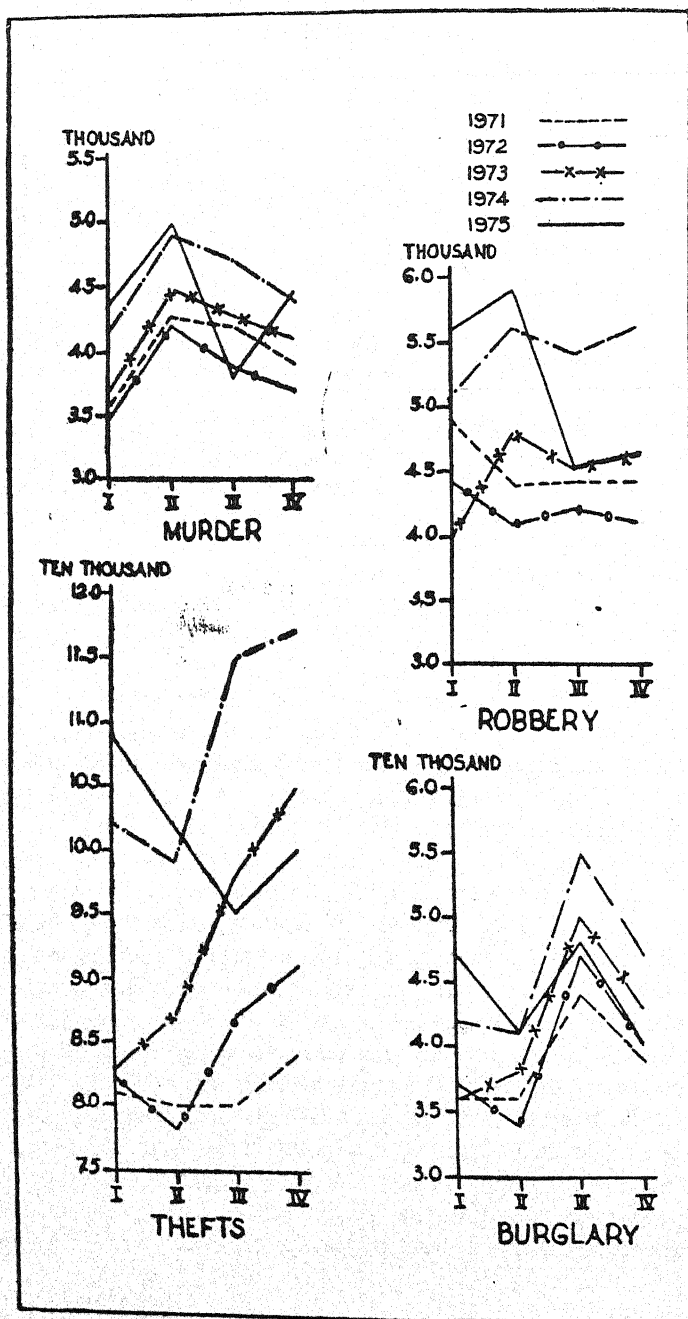


Fig. 4 Quarterly Variations; Select Crime Categories

homes unguarded. Here is the element of opportunity which weighs with the professional criminal to whom the spattering rain sometimes provides an admirable cover. Theft, as we shall see later, is highly correlated with burglary and consequently displays the same trend. However, in the absence of hazards associated with house-breaking, it is uninterrupted and the increasing trend persists in the subsequent quarter as well.

Burglary and theft together constitute about 52 per cent of the total cognizable crime under the Indian Penal Code. Riots are nearly 7 per cent, but since a considerable number of them are linked to political and socio-economic agitations, they are not considered in this context. Murder and robbery are but small fractions of about 1.5 to 2 per cent of the total crime. Their fluctuations, though important, do not have any impact on the trends of total crime which are determined by the massive increases in burglary and theft.

In the absence of a systematic classification of urban and rural crime, an attempt has been made on the basis of available statistics in respect of eight metropolitan cities to determine the element of conformity between rural and urban trends of crime in relation to seasonal variations. The quarterly incidence of crime in the eight metropolitan cities (Calcutta, Bombay, Delhi, Madras, Hyderabad, Bangalore, Kanpur and Ahmedabad, having a total population of 20.7 millions (1971 census) was 95,590, the quarterly rate being about 24,000. The quarterly fluctuation recorded in Table 7 projects some interesting features.

TABLE 7 QUARTERLY INCIDENCE OF CRIME IN METROPOLITAN CITIES

<i>Year</i>	<i>I Quarter</i>	<i>II Quarter</i>	<i>III Quarter</i>	<i>IV Quarter</i>
1972	23,754	24,566	27,707	26,381
1973	27,814	28,235	30,014	28,178
1974	30,841	31,121	30,857	31,242
1975	30,463	30,389	27,809	29,445

Even in Metropolitan cities, the incidence of crime adhered to the general trend of rise in the third quarter during 1972 and 1973. In 1974, crime which was uniformly at a higher level compared to the preceding years was not subject to seasonal fluctuations. In 1975, on the other hand, there was a distinct fall in the third quarter, probably due to the impact of the Emergency imposed on the 25th of June that year. Admittedly, the sample is too small to assert that seasonal influences affect urban criminality in the same manner as in rural areas.

Almost all States in India exhibit enhanced criminality in the months of July, August and September. As recorded in Table 8, the only notable exception is Kerala in the south-west corner which does not

display pronounced fluctuations in any particular season.

TABLE 8 QUARTERLY CRIME : KERALA STATE

Quarter	1965	1966	1967	1972	1973	1974
I	4,528	5,361	6,751	9,209	12,393	9,735
II	5,421	5,529	6,713	8,289	9,083	9,786
III	4,936	5,229	6,721	8,333	9,584	9,559
IV	5,308	5,116	7,296	8,868	9,085	10,124

From the foregoing, two important features emerge. One is the climatic factor which reinforces the 'opportunity' for criminal activity. From time immemorial the do's and don'ts of the art of housebreaking were well-known to its votaries. In *Mrichakatica* (The Little Clay Cart), a play dating back to the fifth century after Christ, we find Sarvilaka, the expert professional burglar entering on an engrossing monologue before executing a well-planned burglary:

Ah! The moon is vanishing, and now:

Night has hidden the stars behind a thick curtain of clouds; like a mother she clothes with darkness the interpid hero who undertakes to pillage the house of another, and whose profession worries the royal guardsmen....

And now where shall I make an opening?

Where the wall has settled because of the infiltration of water;

Where there will be no noise;

Where the aperture will not present an aspect contrary to that prescribed by kleptology;

Where the masonry is old and the bricks have been corroded by saltpetre....<sup>20</sup>

Another factor, and this is perhaps more relevant, is the element of leisure which accrues to the vast majority of rural population whose main occupation is agriculture. Agriculture dominates Indian economy. 83.63 per cent of the total *working* population of 183.6 millions (1971 census) are engaged in farming either as cultivators or agricultural labourers. The activities of this vast section are determined by the weather especially rainfall which is seasonal and dictates the type of crop and when it has to be grown. The *kharif* crops are sown on the onset of the monsoon and harvested in autumn. The *rabi* crops, on the other hand, are sown in October/November and harvested in April.

<sup>20</sup>Quoted from Sudraka's *Mrichakatica* (The Little Clay Cart), translated from the original Sanskrit by Henry W. Wells and published in *Six Sanskrit Plays*, Asia Publishing House, New Delhi, 1964.

May, July, August and September are thus generally months of leisure both in the north and the south.<sup>21</sup> The period is one of forced leisure, and in some areas, of dwindling food and work. This appears to be the key to enhanced criminal activity during these months. Sleeman noticed how large sections of agriculturists turned to the deadly cult of Thuggee in the months of 'forced leisure' and the trend is in conformity with the study of Brearly in the United States.<sup>22</sup> It is likely that with the growth of irrigation, extension of riverine projects and increasing periodicity of crops there will be some levelling of seasonal fluctuations in crime.

### CRIME COMPOSITION

There is an element of near constancy in the composition of Indian crime. The various components which are designated under different categories as offences make up the totality of crime in a near constant proportion. The composition of crime under important categories for seven years substantiates the point (Table 9).

TABLE 9 PERCENTAGE COMPOSITION OF CRIME FOR SELECTED OFFENCES (1969-77)

Head of crime	1969	1971	1973	1975	1977
Murder	1.7	1.7	1.6	1.5	1.5
Robbery	1.2	1.9	1.8	1.8	1.8
Burglary and theft	52.8	52.6	52.1	51.7	49.4
Riots	6.6	6.7	6.8	5.1	6.3
Dacoity and kidnapping	1.7	2.2	1.9	1.9	2.0
Fraudulent offences	4.0	3.4	3.4	3.9	3.4
Miscellaneous	32.0	31.5	32.4	34.1	35.6

The bulk of crime consists of burglary and theft which form a predictable quantum contributed partly by habituals and professionals and partly through constant accession of new offenders. There is, however, one interesting feature in this composite picture which deserves closer scrutiny. It is the gradual reduction of the quantum of offences which are collectively grouped under one category as fraudulent offences, except in 1975. These are cheating, criminal breach of trust and counterfeiting of currency. The trend is surprising. In a society rapidly deve-

<sup>21</sup>R.L. Singh (ed.), *India : A Regional Geography*, National Geographical Society of India, Varanasi, 1971.

<sup>22</sup>W.H. Sleeman, *Rambles and Recollections of an Indian Official*, J. Hatchard and Sons, London, 1844. H. C. Brearly, *op. cit.*

loping into an industrial and technological society with ambitious development plans one would anticipate intensified fraudulent activity. Yet, fraudulent offences have remained a constant fraction of the total crime and have even shown a decreasing trend despite an increasing concern with white collar criminality. Such offences when committed at higher socio-political levels do not easily come to the surface and even when they do, they are dealt with under special legal and adjudicatory processes, the results of which are not fully reflected in criminal statistics.

#### INTERCORRELATION BETWEEN OFFENCES

The correlation between the eight categories of crime expressed in terms of crime rates per hundred thousand population over a cross-section of all the States and Union Territories (1971) is shown in Table 10.

TABLE 10 CORRELATION MATRIX OF CRIMES (1971)

<i>Crime</i>	<i>Murder</i>	<i>Kidnap- ping</i>	<i>Dacoity</i>	<i>Robb- ery</i>	<i>Burg- lary</i>	<i>Theft</i>	<i>Riots</i>	<i>Fraudu- lent offences</i>
Murder	1.0	— .006	.54	.51	.33	.24	— .27	.29
Kidnapping and abduction		1.0	.05	.36	.21	.35	.10	.62
Dacoity			1.0	.73	.53	.17	.56	.17
Robbery				1.0	.71	.55	.08	.71
Burglary					1.0	.77	— .04	.53
Theft						1.0	— .18	.80
Riots							1.0	.36
Fraudulent offences								1.0

The correlation matrix suggests strong association between theft and fraudulent offences (.80) and between burglary and theft (.77); and moderate association between murder and other property offences involving violence—dacoity (.54) and robbery (.51). There is also a fair degree of association between dacoity and riots (.56) and between fraudulent offences and kidnapping and abduction. The last of these relationships is intriguing, but it may be hypothetically ascribed to the element of 'confidence' involved in offences of kidnapping and abduction a number of which are committed under false pretences after gaining the trust of the victim.

Robbery shows the strongest association with all other crimes followed closely by the group of fraudulent offences, burglary and theft. The least overall linkages are displayed by kidnapping and abduction and riots which are a class among the traditional property offences. In

kidnapping and abduction, economic motivation is not invariably present, a good proportion of such cases being in reality voluntary elopements and genuine cases of missing persons. So also are murders of which only a fraction—about one-third—are committed for gain. Riots also constitute a distinct category because of the wide range of motivations which trigger them. The analysis is also significant for the close association between traditional property crimes (burglary, theft and robbery) with fraudulent offences.

The inter-dependence of various types of crime is also represented through the sum of correlations of each offences with the remaining seven categories as shown in Table 11.

TABLE 11 SUM OF CORRELATION COEFFICIENTS  
OF CLASSIFIED CRIMES

<i>Classification</i>	<i>Sum of correlation with the other seven types</i>
Murder	1.98
Kidnapping and abduction	1.69
Dacoity	2.75
Robbery	3.65
Burglary	3.04
Theft	2.70
Riots	0.61
Fraudulent offences	3.48

#### URBAN-RURAL DISTRIBUTION

Urbanization is the process of increase in the number and size of population concentrations.<sup>23</sup> The census definition in India (1961) visualizes a town as having a population of not less than five thousand, a density of thousand per square mile and at least three-fourths of the urban working force engaged in non-agricultural operations. In 1971, the concept of urban agglomeration was added to cover all urban areas outside the municipal areas of a city excluding rural pockets.

The urban population in India rose from 26 millions in 1901 to 109 millions in 1971. The growth was 36 per cent in the decade 1951-61 and 38 per cent in the next one 1961-71 conforming to the experience of developed nations during the initial periods of technological revolution. A feature which is peculiar to India is the simultaneous growth of rural population which still constitutes about four-fifths of the total. There is

<sup>23</sup>Eldridge, "The Process of Urbanization", in *Demographic Analysis*, J.J. Spengler and O.D. Duncan, Glencoe,

also considerable disparity in the growth rates of urban areas. The growth is higher for larger cities than for small towns below twenty thousand. The growth rate in some of the larger cities having a population of hundred thousand and more is as high as 900 per cent as against 320 per cent for the total urban population.<sup>24</sup>

One of the major recommendations of the Committee set up by the Government of India in 1967 for restructuring the criminal statistics was that there should be clear delineation of urban-rural distribution of crime in view of the rapid socio-economic changes overtaking the country. Had the Committee's suggestion been implemented, it would have been of considerable use in the study of urban trends of crime in the country. As a measure of compromise, however, an attempt was made, commencing from 1971, to collect and publish crime statistics in respect of towns and cities having a population of more than hundred thousand. These statistics can be utilized to make a rough computation of the extent and volume of crime in urban areas. Admittedly, such a computation suffers from serious methodological deficiencies, and is unsatisfactory, but it does provide a reasonable basis for assessing the general trends.

In 1971, 96 cities with a population of 41.4 millions reported 229,860 offences under the Indian Penal Code. Correlating this figure to the entire urban population of 109.0 millions, it is roughly estimated that the incidence of crime in urban areas would be in the region of 605,187 constituting nearly 63.5 per cent of the crime in the country. *Prima facie* it appears that crime in India follows the familiar pattern in developed countries and is primarily urban-oriented.

The above observation is, however, subject to serious reservations. The estimated figures, being based on an *ad hoc* correlation may not reflect the true situation as borne out by widely varying crime rates in the urban areas themselves. Table 12 projects the disparity in crime rates between Metropolitan cities and other cities having a population of more than one hundred thousand. The data are for the year 1971 in regard to which accurate demographic and criminal statistics are readily available.

While the patterns of crime in urban agglomerations will be examined in depth in a subsequent chapter, a brief look can be taken at the rural areas which are comparatively, but deceptively, crime-free. According to the 1971 census, out of a total population of 547.94 millions, 435.05 millions constituting about 80 per cent live in 629,364 villages. The series of historical and political changes have left the Indian villages untouched in their isolation. Rural poverty has persisted through

<sup>24</sup>Vatsala Narain, "Demographic Aspects of Urbanization", *The Indian Journal of Social Work*, Bombay, October 75-January 76.

TABLE 12 URBAN AND RURAL CRIME RATES (1971)

Area	Population (in millions)	Crime	Crime rate
Metropolitan	20.76	95,589	460.44
Other cities	20.7	134,270	648
Urban Total	109.09	605,187	554.75
Rural	438.85	347,394	79.16
All India	547.94	952,581	173.84

conquest and colonialism and the spectacular slogans of modern political changes. The parallel paths of Gandhian idealism leading to self-containment and Nehru's planned industrialization were attempted to be bridged through land reform, community development and panchayati raj. But as a well-known economist observes: "Though the ideological thrust was anti-landlord and pro-peasant, distortions arose even at the time of legislation as a result of political influence and cleverness of superior proprietors.... Consequently, the poorer sections of the rural population today find themselves worse off than before".<sup>25</sup> Dr. Ambedkar called the Indian village "a sink of localism, a den of ignorance, narrow-mindedness and communalism."<sup>26</sup>

The panchayati raj and community development programmes were ushered in with great initial enthusiasm and fanfare in a bid to make the villages self-reliant in all facets of community life and administration. Presently, there are 221,270 village panchayats covering nearly 98 per cent of the rural population.<sup>27</sup> The experiments in 'democratic decentralization' however, appear to have deepened the caste antagonisms and crystallized them at a political level. The community development programmes have failed to bring about the desired changes in the lifestyles and this is ascribed to the gap between collective effort that is needed and the reality of individual contribution. In the final analysis, it is the emergence of new power groups and interests which has inhibited change and left the villages in a state of perpetual stagnation. A new elite has emerged from the middle rungs of the social hierarchy which derives its power from economic and numerical strength. The depressed sections of the rural population have generally remained as bereft of economic advantage and political power as before.<sup>28</sup>

<sup>25</sup>T.N. Madan, "Indian Society: The Rural Context" in *India Since Independence*, (ed.) S.C. Dube, Indian Institute of Advanced Study, Simla, 1975.

<sup>26</sup>Quoted from T.N. Madan, *op. cit.*

<sup>27</sup>V.K.R.V. Rao, "An Integrated Approach to Rural Development", *Yojana*, Vol. XXI/2, February, 1977.

<sup>28</sup>T.N. Madan, *op. cit.*

The tragic irony of development in India is that the villages, despite their exposure to external influences are rigidly stratified and caste-ridden. Caste is the sheet-anchor of a social system which perpetuates discrimination, and, through it, economic inequality. The superimposition of class conflict on the caste system has added a new dimension to the tensions endemic in the rural structure.

The existence of virulent factions in Indian villages is well-known. They are often oriented along caste lines and have contributed to periodic spurts of violence and extended criminal litigation. Leaving aside professional crimes like theft and burglary, much of the violence in rural areas can be ascribed to the struggle for power at the village and panchayat levels and manifests in rioting, arson and murder. In a pilot study of rural development in Uttar Pradesh, Albert Mayer observes: "Factional leadership is often apparent and active in Indian villages. Village factions or 'parties' in Uttar Pradesh are famous and feared and often are bitterly opposed to each other that an impasse is reached on issues of vital importance to the community as a whole."<sup>29</sup>

Mayer's observation is valid to a remarkable extent in the country as a whole. In Madhya Pradesh, factions have contributed to the emergence of dacoity. The intercaste conflicts and vindictive violence in some villages of Rayalaseema in Andhra Pradesh are well-documented. Villages in most of the States are in a state of ferment and are simmering with unresolved angers. The Indian village is not a haven of peace as some panegyrists of the rural scene would have us believe. On the other hand, they are centres of crime and conflict, triggered by the grip of tradition and superstition, economic and social discrimination and abject poverty. Needless to say, a good proportion of this crime does not figure in official statistics which give a misleading impression that crime in India is also an urban phenomenon.

#### INDIVIDUAL OFFENCE TRENDS

##### *Murder*

Murder is one of the few offences in India which carries the death sentence with it. The motives that drive men to murder are so diverse and compelling that neither preventive strategies nor the sentencing policies appear to have any effect on its incidence. While a quantitative increase in the incidence of murder has to be anticipated in proportion to the growth of population. The murder rate has risen from 2.6 in 1961 to 3.0 in 1971 (excluding culpable homicide not amounting to murder.) It is the contention that most developing countries are likely

to have high rates of criminal homicide<sup>30</sup> is not fully validated by the statistics (Fig. 5).

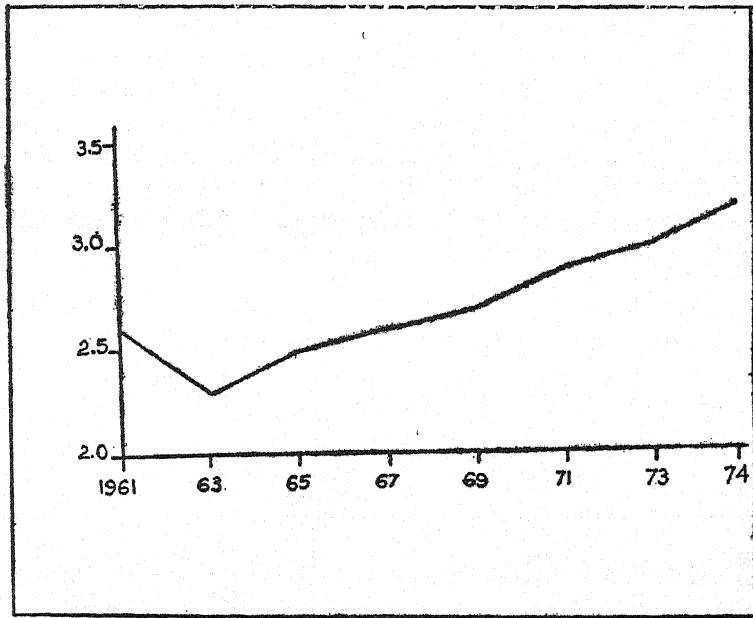


Fig. 5 Rate of Murder (1961-74)

Table 13 demonstrates that the Indian homicide rates in comparison with other countries are not unduly high.

TABLE 13 WORLD HOMICIDE RATES, 1976

Country	Volume	Country	Volume
Australia	2.98	Netherlands	7.34
Austria	1.86	Philippines	14.19
Burma	7.95	UK	1.63
Finland	4.73	USA	9.70
France	3.01	Sri Lanka	8.6
India	3.00	Sweden	4.34
Japan	1.87	Uganda	26.47

SOURCE : *International Criminal Statistics ICPO—Interpol—1975-76.*

<sup>30</sup> Marshal B. Clinard and Daniel J. Abbott, *Crime in Developing Countries*, John

On the basis of available statistics which cannot be vouched for uniformity, it is difficult to correlate them to the degree of socio-economic development. The data are not conclusive. Some of the developing nations, particularly the Latin American States display comparatively high rates of murder<sup>31</sup> but we also find an incongruously high rate in the USA.<sup>32</sup> There are also a number of developing countries in which murder occurs with rare frequency. It is said that "the homicide rates across the nations, have to be interpreted in terms of culture conflict resulting from social change and to cultural differences in attitudes towards the use of violence."<sup>33</sup> The second of these hypotheses appears to be more relevant to homicide in India where widely divergent regional rates of murder are noticed.

### *Robbery*

The steady increase of robbery is represented in Table 14.

TABLE 14 INCIDENCE OF ROBBERY IN INDIA (1961-77)

<i>Year</i>	<i>No. of cases</i>	<i>Volume per hundred thousand</i>	<i>Per cent of total cognizable crime</i>
1961	6,428	1.5	1.0
1964	8,336	1.8	1.1
1967	10,252	2.0	1.1
1970	16,958	3.1	1.8
1971	18,857	3.3	1.8
1974	22,286	3.8	1.9
1975	20,977	3.5	1.8
1976	17,974	2.9	—
1977	22,725	3.6	1.8

The number of robberies rose spectacularly from 6,428 in 1961 to 22,286 in 1974, registering an increase of 246 per cent. The increase outstrips the general crime rate which had risen by 138 per cent during the same period. Robbery now occupies a bigger segment in the country's crime spectrum and both the urban and rural areas are equally affected.

<sup>31</sup>The statistics in Table 13 (except those of India and the USA) are extracted from the biennial publication of ICPO—Interpol. The figures for the USA are from the Uniform Crime Reports, while the statistics in respect of India have been taken from *Crime in India*. The Indian murder rate does not include culpable homicide not amounting to murder and attempts. If they are also taken into consideration, the murder rate will rise to 4.89.

<sup>32</sup>M.E. Wolfgang, *Patterns of Criminal Homicide*, Philadelphia, 1958.

<sup>33</sup>Marshal B. Clinard and D.J. Abbott, *op. cit.*

The reasons for the increase "lie well within the development process".<sup>34</sup> With the level of policing remaining almost constant, the developmental activities have created new opportunities for crime. For example, banking is now taken to the remotest corners of the country. In a study undertaken a few years ago, an increase in armed robberies at bank premises and in transportation of cash was accurately predicted.<sup>35</sup> Another recent study noticed increasing use of fire-arms in robberies consequent upon greater availability of firearms and explosives.<sup>36</sup> Recent reports have also brought to light the increasing involvement of youth and college students in armed robberies in trains and passenger buses plying lonely routes.<sup>37</sup>

### Rioting

Although all riots are not *ipso facto* manifestations of political discontent, a good proportion of them are rational responses to the socio-economic and political tensions. They are an index of "system performance in politics and economics, and the rising incidence of riots in the fifties was directly attributed to linguistic agitations which represented 'aspirational deprivation'".<sup>38</sup>

TABLE 15 INCIDENCE OF RIOTING (1961-77)

Year	No. of riots	Volume	Percentage of total cognizable crime
1961	27,199	6.2	4.3
1964	32,693	6.9	4.3
1967	42,447	8.3	4.8
1970	68,331	12.4	7.1
1971	64,114	11.7	6.7
1972	65,781	11.8	6.7
1973	73,388	12.8	6.8
1974	80,547	13.7	6.7
1975	67,241	11.2	5.8
1976	63,675	10.4	5.8
1977	80,449	12.9	6.3

In the sixties the rising trend of violence was continued with 1970 as the high watermark of disorder as shown in Table 15. The decade

<sup>34</sup> Marshal B. Clinard and D. J. Abbott, *op. cit.*

<sup>35</sup> M.K. Jha, *Security of Banks*, Central Bureau of Investigation, Government of India, 1966.

<sup>36</sup> S. Venugopal Rao and T.R. Kalra, *Use of Fire-arms and Crimes of Violence*, Bureau of Police Research and Development, New Delhi.

<sup>37</sup> Robberies involving college students are reported frequently particularly in U.P. A group of four students was recently sentenced to death for chain robberies and murders in Pune, Maharashtra.

<sup>38</sup> Baldev Raj Nayar, *op. cit.*

was certainly one of disenchantment. In 1964, Nehru died, a frustrated man after the disastrous conflict with China. In the next year there was serious trouble on the Western frontiers and confrontation with Pakistan. 1966 was a year of acute scarcity, drought, rising prices, and devaluation of the rupee. In 1967, the Indian National Congress lost its political hold. As a result of the Fourth General Elections, the spectre of political instability was looming large. The final rupture in the Indian National Congress came in 1969. The period was noteworthy for economic deterioration, soaring prices, black-marketing, corruption, large scale smuggling and acute distress. There were serious communal riots (Bhiwandi, Ahmedabad and Meerut), sectarian clashes (Dalit Panthers, Bombay); parochial movements (Shiv Sena, Bombay); linguistic agitations; inter-regional conflicts (Belgaum and Telangana); ideological violence (Naxalbari, Calcutta); insurgency (Nagaland and Mizoram); and aggravated student vandalism. With 68,331 cases of rioting representing an increase of 151 per cent over 1961, 1970 represents the height of 'popular' violence. The victory over Pakistan in the Bangladesh crisis of 1971 and restoration of political stability on the crest of national assertion contributed to a remarkable fall in riots in the two succeeding years. 1973 and 1974, however, were different. It was remarkable for the fact that rioting rose to an all-time high of 80,547 cases in 1974. The increase was mainly due to disenchantment with the ruling party in two States (Gujarat and Bihar).

In 1961, the eight metropolitan cities registered 548 cases of rioting representing a rate of 3.6 for hundred thousand as against the national rate of 6.2. In 1973, the number of riots in metropolitan cities rose to 2,553, an increase of 347 per cent while, for the entire country, the increase was of the order of 151 per cent during the same period. Although the riot rate in metropolitan cities (10.9) is slightly lower than the national rate of 12.8, the gradual shift of this type of crime to urban areas where responses to socio-economic and political tensions are more readily activated, is obvious.

Since the bulk of crime consists of burglary and theft (52%) and miscellaneous crimes (32%) which determine the national trend, they have not been considered independently in this preliminary analysis. The selection of the three categories—murder, robbery, and rioting—is not arbitrary, but made with a view to assess the extent of the growth of violence. No doubt, there are other offences against person and property which can also be considered as indicators of the climate of violence as for example, culpable homicide not amounting to murder, dacoity, kidnapping and abduction, grievous hurt, etc., but their close association with one or the other of three categories is well-established, while all the three categories have shown a tendency to increase both quantitatively and in relation to the total crime content, they have

displayed divergent trends. Murder tends to decrease in urban areas. Robbery, attended with increasing violence, occurs with equal frequency in rural and urban areas. Finally, rioting, which is an indication of political and socio-economic tensions is fast becoming a challenging problem in urban communities and will determine the stability of the Indian political system.

#### FEMALE CRIMINALITY

The official statistics (Table 16) substantiate the comparatively very low rates of feminine criminality despite the inherent deficiencies in statistics which cover only the offences under the Indian Penal Code and leave out the large segment of deviant behaviour under the special and local laws, particularly the offences relating prostitution wherein the majority of persons arrested are women.

TABLE 16 SEX DISTRIBUTION OF ARRESTS FOR ALL OFFENCES UNDER THE INDIAN PENAL CODE 1971-74

Year	No. of persons arrested			Percentage of females
	Male	Female	Total	
1971	958,950	16,303	975,273	1.7
1972	1,170,154	27,891	1,198,045	2.3
1973	1,211,825	30,677	1,242,502	2.5
1974	1,448,451	25,766	1,474,217	1.7

NOTE : 1. The figures of 1971 do not include those of West Bengal.

2. The statistics for the year 1973 do not include those of Kerala.

SOURCE : *Crime in India, op. cit.*

The fair sex's contribution to antisocial behaviour remains an insignificant fraction of the total. India is among the lowest in the global perspective (Table 17).

Table 18 demonstrates that the very low rates of feminine criminality in India is further substantiated by the degree of participation of women in specific categories of criminal offences.

In a recent cross-cultural survey, Freda Adler pointed out the rapid increase in feminine criminality in developed societies.<sup>39</sup> In the USA, the total arrest rates of women "have been rising nearly four times faster than that of the males". In Japan, the percentage of female offenders increased from 9.8 per cent in 1962 to 13.6 in 1972. She noticed a similar trend in the UK, the Federal Republic of Germany, Canada,

<sup>39</sup>Freda Adler, "The Interaction between Women's Emancipation and Female Criminality", *IJPC*, May 1977.

TABLE 17 FEMININE CRIMINALITY : CROSS CULTURAL COMPARISON 1976

Country	Persons responsible for offences	
	Men	Women
1. Austria	139,166	24,706
2. Burma	315,181	42,354
3. France	437,919	77,598*
4. India	1,170,154	27,891†
5. Japan	396,410	87,668
6. Sweden	287,993	37,844
7. Tanzania	66,217	6,500
8. UK	293,414	46,621
9. USA	6,751,545	1,262,100‡

\* All crimes and offences.

† Offences under the Indian Penal Code only.

‡ For the year 1973. The figures cover almost all the offences analogous to the offence under the Indian Penal Code, but exclude such offences as drunkenness, disorderly conduct, narcotics, traffic offences, etc.

SOURCES : 1. *International Criminal Statistics* (1975-76).2. *Crime in India*, 1972.3. *Uniform Crime Reports*, USA.

TABLE 18 NUMBER OF WOMEN ARRESTED FOR CRIMINAL OFFENCES UNDER THE INDIAN PENAL CODE (1971-77)

Offences	1971		1974		1977	
	No.	%	No.	%	No.	%
Murder	796	2.3	927	2.1	909	2.2
Kidnapping and abduction	429	3.9	501	3.8	612	4.2
Dacoity	103	0.3	144	0.3	130	0.3
Robbery	83	0.6	125	0.5	141	0.6
Burglary	927	1.2	1,468	1.2	1,309	1.2
Theft	4,198	2.5	5,144	2.0	5,845	2.4
Riots	2,580	0.9	7,065	1.7	7,933	1.9
Fraudulent Offences	179	0.9	221	0.8	328	1.0
Miscellaneous	6,990	2.1	10,171	2.0	—	—
TOTAL Cognizable Crime	16,303	1.7	25,766	1.7	28,600	1.9

Brazil and Finland with the solitary exception of Poland. The growing participation of women in criminal activities which had been hitherto monopolized by men, particularly in developed societies is brought out in a telling manner by the statistics shown in Table 19 in respect of the miscellaneous category in the USA.<sup>40</sup>

<sup>40</sup>Freda Adler, *op. cit.*

TABLE 19 FEMALE CRIMINALITY IN THE USA : MISCELLANEOUS CRIMES 1974

Offence category	Male	Female	Percentage
Vandalism	114,910	9,724	7.8
Possession of arms	96,323	8,649	8.2
Narcotics	332,868	55,286	14.2
Gambling	39,503	3,704	8.6
Driving under the influence	394,360	33,112	7.4
Drunkenness	711,209	54,168	7.1
Disorderly conduct	379,486	102,866	21.3
Prostitution and Commercial Vice	12,356	38,280	75.6

SOURCE : *Crime in the United States, 1974* : Uniform Crime Reports.

The high rates of feminine participation in narcotics offences and disorderly conduct are not only an index of progressive equalization of the sexes, but also of the degree of permissiveness in that society. Adler also came to the conclusion that developing societies are also not immune to the phenomenon and in support thereof relied on the statistics of prison population in India in the years 1961 and 1965<sup>41</sup> as shown in Table 20.

TABLE 20 SEX DISTRIBUTION OF CONVICTS AND UNDER-TRIALS IN INDIAN PRISON

Year	Male		Female	
	Convicts	Undertrials	Convicts	Undertrials
1961	354,584	484,328	11,000	12,158
1965	359,106	526,922	16,010	17,165
Percentage increase over 1961	1..	9.0	46	45

Viewed in isolation, the statistics confirm Adler's findings, but they also project the risk of reaching conclusions on short range data, since during the succeeding years there was a perceptible fall in the prison population (male and female alike). In the year 1976, the total prison population reached the all time low of 242,132 (both convicts and under-trials) of which women numbered a mere 7,257. The percentage of female criminality on the basis of the above figures remains about 3 while it denotes fall by 78 per cent over 1965.<sup>42</sup> The appreciable reduction

<sup>41</sup>Freda Adler, *op. cit.*

<sup>42</sup>Neera Kukreja Sohoni, 'Women Prisoners', *Indian Journal of Social Work*, July, 1974.

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TABLE 20 SEX DISTRIBUTION OF CONVICTS AND UNDER-  
TRIALS IN INDIAN PRISON

<i>Year</i>	<i>Male</i>		<i>Female</i>	
	<i>Convicts</i>	<i>Undertrials</i>	<i>Convicts</i>	<i>Undertrials</i>
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<sup>41</sup>Freda Adler, *op. cit.*

<sup>42</sup>Neera Kukreja Sohoni, 'Women Prisoners', *Indian Journal of Social Work*, July, 1974.

in the number of women convicts and undertrials during the last decade cannot be construed in the nature of an index of reduced criminality among women. It has to be attributed to a more progressive penal policy, liberal sentencing, elimination of short-term sentences, reduction in the span of undertrial detention, liberal application of the law of bail and increasing use of probation and parole. We have, therefore, to fall back on the quantum of involvement of women in antisocial acts as measured by arrest rates. Here again, the number of arrests in absolute numbers mean little in the context of population growth generally.

Although it is difficult to make an assessment of adult female criminality in the absence of meaningful statistics over a span of time an attempt can be made in that direction from the statistics of juvenile, delinquency which fortunately have been maintained in a more systematic manner for nearly two decades (Table 21).

TABLE 21 WOMEN IN THE AGE GROUP OF 16-21 ARRESTED  
FOR CRIMINAL OFFENCES

<i>Offences</i>	<i>1961</i>	<i>1965</i>	<i>1967</i>	<i>1971</i>	<i>1973</i>	<i>1977</i>
Murder	11	24	9	32	29	57
Kidnapping and abduction	10	8	16	23	35	39
Dacoity	—	—	2	1	9	4
Robbery	1	3	2	6	39	17
Burglary	42	37	25	81	88	122
Thefts	122	156	168	261	256	576
Total cognizable crime under the IPC	NA	NA	NA	1,046	1,160	1,905
Prohibition and Excise	72	138	603	1,942	1,017	2,117
Immoral Traffic	NA	NA	NA	760	885	1,655

The problem can also be viewed from the trend of apprehensions of juveniles and their sex distribution as demonstrated in Table 22.

Although the percentage of female juvenile delinquency is higher than adult criminality among women, the trend is erratic. The variations have to be ascribed to the fact that the statistics cover not only the offences under the Indian Penal Code but also the large mass of offences under the special and local laws including such protective legislations as the Children's Acts and the Suppression of Immoral Traffic in Women and Girls Act, whose enforcement is associated with erratic regional variations.

The participation of women in offences of kidnapping and abduction of children and adolescent girls for prostitution has been consistently

TABLE 22 SEX DISTRIBUTION OF JUVENILES APPREHENDED 1963-77

Year	Boys	Girls	Total	Percentage of girls
1963	48,898	2,451	51,349	4.8
1966	62,823	4,434	67,257	6.6
1967	66,719	5,390	72,109	7.5
1969	74,092	4,776	78,868	6.1
1971	97,987	5,432	1,03,419	5.3
1973	1,22,192	5,550	1,27,742	4.3
1975	1,32,587	9,312	1,41,899	6.6
1977	1,38,582	10,390	14,892	7.0

SOURCE : *Crime in India, 1977* : Bureau of Police Research and Development, New Delhi.

high. Although quantitatively meagre, there is a disturbing trend of increasing participation of women in crimes of violence like dacoity, robbery and riots.

Murder is, by and large, an offence arising from emotional compulsions although occasionally cases in which the motivation is personal gain or theft of jewellery come to notice. In a pilot study conducted in New Delhi, out of 98 persons accused of homicide, 6 were women, constituting 6.1 per cent of the total, a figure comparatively higher than the national average.<sup>43</sup> The study also disclosed that in a large number of homicides, women acted merely as abettors or decoys and did not actively participate in the crimes.

Superstition is one of the main factors of feminine criminality.<sup>44</sup> Although the grip of superstition is slowly loosening, its impact is felt in a variety of ways in a society which traditionally believes in astrology and omens. Superstition is not constrained by religion or caste and it is always the female who plays the pivotal role.<sup>45</sup>

Studies of female criminality have so far ascribed the differential facets of anti-social behaviour in the two sexes to their 'restrictive social roles', which have been institutionalized and perpetuated through continuance of the old myths of the fair sex's vulnerability, physical weakness and need for protection. The status of women in India has been dictated by ancient discriminatory laws, religious sanction and tradition. The barbaric practices of *sati* and female infanticide prevalent in the Hindu society till the middle of the last century project the outer limits of male dominance and the relegation of women to the status of second class citizens. Subjected constantly to the 'proprietary'

<sup>43</sup>S. Venugopal Rao, *op. cit.*

<sup>44</sup>S. Venugopal Rao, *Facets of Crime in India* (Second Revised Edition), Allied Publishers, New Delhi, 1967.

<sup>45</sup>L.H. Hiranandani, "Should Women be Hanged?", *Femina*, August 12, 1977.

attitudes of men, the woman's world was suffocatingly confined, and it is not surprising that her attitudes are minimally aggressive.

The differential approach towards women, both in regard to legislation and enforcement of criminal laws has to be attributed to the dominant male's sense of chivalry and 'proprietary' right. "Men seem to have made penal laws mainly to prevent and punish actions which they thought endangered their personal interests whereas certain specifically female forms of misconduct were often regarded as not serious enough or too pleasant or indispensable to them to warrant penal measures."<sup>46</sup> The lower social status and the under-privileged position of women in the Indian society have certainly contributed to the liberal provisions relating to the arrest, bail and custody of female offenders. On the other hand, where the male ego feels a sense of injury, the laws are more discriminatory against them. For instance, adultery is a crime in which the woman has been punished exclusively. The penal provisions in the Suppression of Immoral Traffic Act are weighted against women. Even in sentencing, there is a greater degree of lenience. Although the existing criminal law does not prohibit the imposition of capital punishment on women, in practice, no woman has been executed in the country since 1944, indicating that capital punishment has been virtually abolished in the case of women at least.

The physical inferiority of women has inevitable psychological consequences which favour the adoption of nonviolent techniques of crime. She does not, therefore, figure prominently in crimes of violence. More often, like Lady Macbeth, she is the instigator—the woman behind the crime. Although in recent years there are faint indications of increasing participation of women even in violent crimes like robbery, dacoity and political insurgency and the last two decades have seen occasional emergence of women dacoits of the stamp of Putli and Hasina Begum in a male dominated society, the criminality of man is enhanced by the woman without herself being a direct participant. Corruption in the Indian bureaucratic structure can be partly ascribed to the inexorable demands of the 'memsahib', whose imitative style and acquisitive attitudes promote masculine deviancy. In the society as it exists today, women gratify their desires through men who bear the economic burdens of life. To Willem Bonger, women were like 'hot-house plants sheltered from the icy blasts of life and, therefore, less criminal'.<sup>47</sup>

The nature of familial and social controls over women and cultural differences in regard to permissible role behaviour are thus the main determinants of their lower criminality. Although Pollak argues that "women are the most able criminals as biologically and socially they

<sup>46</sup>Hermann Mannheim, *op. cit.*, p. 691.

<sup>47</sup>W.A. Bonger, *Criminality and Economic Conditions*, 1916.

are well-equipped for lying, deceiving and trickery" and contends that the low rates of female criminality are misleading as they are more capable than men in concealing their crimes, statistics do not support the view.<sup>48</sup> According to another study, "differences between sexes in hereditary predisposition (to crime) could be explained by sexlinked genes . . . and the female mode of personality, more timid, more lacking in enterprise may guard her against delinquency".<sup>49</sup> The low crime rates among women may also be ascribed to some extent to the failure of victims to report as in the case of thefts by prostitutes and domestic servants and infanticide while in certain types of offences female crimes do not surface readily due to a comparatively 'benevolent' attitude of the police and societal liberalism towards feminine deviations.

In general, female criminality has not attracted much attention mainly because it is considered an integral part of the total phenomenon of crime and because of the approach of most criminologists that there is "no particular reason why it should be viewed exclusively from a sexual angle".<sup>50</sup> This is particularly true of India where except for one single study of female offenders, no significant contribution appears to have been made. The Fifth United Nations Congress on Prevention of Crime (Geneva, 1975) felt that the subject of female criminality was still in the realm of guess work and called for "controlled studies on the inter-relationship between female criminality, socio-economic development and integration of women into national economic life."<sup>51</sup> As women move more towards greater equality in economic roles, the reduction in the social gap between the two sexes is bound to lead to higher rates of antisocial behaviour.

Carol Short complains bitterly that "criminological theories have rarely been concerned with the analysis of female criminality",<sup>52</sup> and this lack of knowledge and understanding have led to distorted policies of treatment. According to her, whatever work that was done in the field—she particularly refers to the work of Lombroso and Pollak—is inspired by 'sexist ideology' which is based upon acceptance of certain attributes assumed to be natural to the female sex, viz., lack of intelligence and passivity.<sup>53</sup> The contrary view expressed by Manual Lopez Rey: "Whether the different male and female characteristics

<sup>48</sup>Otto Pollak, *The Criminality of Women*, Martin Robinson, 1970.

<sup>49</sup>J. Cowie, *et al*, *Delinquency in Girls*, Heinemann, 1950.

<sup>50</sup>Hermann Mannheim, *op. cit.*

<sup>51</sup>Report on the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, United Nations Publication, New York, 1976.

<sup>52</sup>Carol Short, "Criminological Theory: Its Ideology and Implications Concerning Women", *The British Journal of Sociology*, March 1977.

<sup>53</sup>*Ibid.* See also the same author's exhaustive analysis, *Women, Crime and Criminology*, Routledge and Kegan Paul, London, 1977.

can be explained genetically or environmental factors is irrelevant. What they show is neither superiority nor inferiority, but diversity".<sup>54</sup> The cross-cultural statistical data confirm that women are less aggressive than men, and in the sordid and murky area of crime at least, they can claim higher moral purpose than men and their bio-genetic nature will prevent criminal parity in the foreseeable future despite the trends noticed in recent years.

A passing reference may be made here to the regional variations in female criminality.

TABLE 23 PERCENTAGE OF FEMALES ARRESTED UNDER THE INDIAN PENAL CODE : STATEWISE DISTRIBUTION

State	Percentage of Females			
	1972	1973	1974	1977
Andhra Pradesh	5.48	4.54	1.44	2.4
Assam	3.05	1.44	1.23	1.1
Bihar	1.48	.88	1.15	0.8
Gujarat	2.86	2.37	1.98	2.9
Haryana	.36	1.06	.28	.8
Himachal Pradesh	12.23	12.17	8.95	12.1
Jammu & Kashmir	4.47	6.31	.94	3.4
Karnataka	2.11	1.89	2.15	2.0
Kerala	5.70	NA	5.19	4.3
Madhya Pradesh	1.61	.36	1.29	.8
Maharashtra	3.41	3.26	2.77	4.6
Orissa	2.33	2.20	2.17	0.7
Punjab	2.39	1.98	1.10	0.5
Rajasthan	2.39	2.04	1.65	2.3
Tamil Nadu	2.48	3.00	2.75	3.0
Uttar Pradesh	.88	.56	.64	0.6
West Bengal	1.04	8.06	1.02	1.1

SOURCE : *Crime in India*. The data cover only the major states.

The remarkable fall in the number of women arrests in 1974 is surprising (Table 23). Female crime is higher in the States of Andhra Pradesh, Assam, Kerala, Maharashtra, West Bengal, Himachal Pradesh and Jammu & Kashmir. The increase in some of the States can perhaps be partly explained by the growing participation of women in the economic activities of the State and a perceptible bid for greater equality in economic roles. The extent of increase in women's employment in the unorganized sector is not available due to conceptual and definitional problems, but a recent study in the organized sector has established

<sup>54</sup> Manuel Lopez-Rey, *Crime : An Analytical Appraisal*, Routledge and Kegan Paul, London, 1970.

substantial increase in women's employment from 1.37 millions in 1962 to 2.13 millions in 1973 registering a growth of 57 per cent.<sup>55</sup> An analysis of the occupational distribution of women workers in the decade 1961-71 indicates a remarkable increase in the number of women workers as teachers, clerical workers, medical personnel, social scientists and administrators. The survey also revealed a significant increase of women in such industrial divisions as transport and communications, banking, insurance, public administration, education and scientific laboratories and research. In 1973, out of the total employment of 18.8 millions in the organized sector, 2.13 millions, i.e., 11.3 per cent were women.<sup>56</sup> Although the per cent ratio of women workers has not undergone much change since 1961, there has been a phenomenal increase in the absolute numbers of women entering diverse fields of administration, business and industry. Statewise, the proportion was the highest in Assam (35%) followed by Kerala (30%), Andhra Pradesh (17%) and Tamil Nadu (12%). The higher rates of female criminality in these States can be explained to some extent by this factor. On the other hand, we are also witness to a similar trend in Himachal Pradesh and Jammu & Kashmir where the percentage of women's employment in the organized sector is very low (6.2 and 7.6 respectively). We may have to seek other reasons for the surprising deviation.

In an empirical study of female offenders in the State of Rajasthan it was noticed by Ahuja that in the period 1958-66 only 1.4 to 1.9 per cent of all offences were attributed to women, a proportion which tallies with the national average for that period. He came to the conclusion that the majority of crimes committed by women were due to "their maladjustment in the families of procreation" due to marriage at an immature age.<sup>57</sup> His other findings were that the absence of lesser number of children had no perceptible influence on criminality, the offences were mostly 'emotional' and 98.75 per cent of female offenders were novices to crime. Some conclusions of his study are open to question as the sample was too small, and it was confined to the convicted inmates in prisons which eliminated the bulk of offenders in comparatively less serious crimes.

In hill societies, women's social and economic status is deceptive. There are customs and practices which give the impression of total subservience, but her socio-economic status is considerably higher than her counterpart in the plains. The laws of divorce are more liberal,

<sup>55</sup>Shahi Kumar, "Women's Employment in India", *Interdiscipline*, The Gandhian Institute of Studies. Also see Leela Gulati, "Occupational Distribution of Working Women: An Interstate Comparison", *Economic and Political Weekly*, Vol. X, No. 43, October, 1975.

<sup>56</sup>*Ibid.*

<sup>57</sup>Ram Ahuja, *Female Offenders in India*, Meenakshi, Meerut, 1968.

and there is a greater degree of sexual equality. According to Parmar she is man's equal in all respects although the ancient custom of fraternal polyandry lingers in some areas.<sup>58</sup> She is in no way inhibited in traditional occupations and social activities. The climatic conditions of extreme cold and the harsh terrain have made her hardy and physically almost equal to man, whose economic viability depends on her. It is for this reason that although Himachal Pradesh has one of the lowest crime rates in the country, the percentage of feminine criminality is comparatively high.

#### JUVENILE DELINQUENCY

An analysis of national trends of crime will not be complete without a passing reference to juvenile delinquency. The interest in the child and its aberrations is not of today. Socrates bemoaned the juvenile aberrations of his day: "Children now love luxury, they have bad manners, contempt for authority . . . They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs and tyrannize over their teachers".<sup>59</sup> The words have a particularly modern ring and have become the refrain in innumerable households. The only difference is that in the overwhelming concern for the behavioural proprieties of the child's bad manners, 'gobbling of food and crossing of legs' assumed the level of 'delinquent' acts!

As regards the need for protection of children and the hapless orphans, the State's responsibility was well defined by Kautilya in his classic treatise on political science and administration: "The king shall provide the orphans (*bala*), the aged, the infirm and the helpless with maintenance... When a capable person other than an apostate (*patita*) or mother neglects to maintain his or her child, minor brothers or widowed girls, he or she will be fined twelve *panas*".<sup>60</sup>

The concept of juvenile delinquency is befogged by vagueness, excessive zeal and definitional inexactitude. The tendency to bring all facets of deviant juvenile behaviour within the term 'delinquency' has projected an image out of all proportion to its seriousness and social implication. This is not to minimise the importance of juvenile and adolescent deviance which leads to adult criminality.

Table 24 illustrates that a cross-cultural comparison can be exceedingly misleading due to the anomalies arising from the ambiguity in the

<sup>58</sup>Y.S. Parmar, *Polyandry in the Himalayas*, Vikas Publishing House, New Delhi, 1975. Also see R.N. Saksena, *Social Economy of a Polyandrous People*, Asia Publishing House, New Delhi.

<sup>59</sup>Quoted from Henry Thomas and Dana Lee Thomas, *Living Biographies of Great Philosophers*, Bharatiya Vidya Bhavan, Bombay, 1964.

<sup>60</sup>R. Shamasastri, *Kautilya's Arthashastra*, *op. cit.*

TABLE 24 COMPARATIVE STATEMENT OF JUVENILE  
CRIME: SELECT COUNTRIES—1972

<i>Country</i>	<i>Total</i>	<i>Juveniles or minors</i>	<i>Percentage</i>
Federal Republic of Germany	967,799	285,466	29.49
Austria	189,665	43,038	22.69
Burma	261,491	2,194	0.83
France	727,154	68,700	9.44*
India	3,072,900	128,119	4.16 †
Indonesia	74,010	4,213	5.69
Japan	519,985	110,595	21.26
Netherlands	126,414	30,911	24.45
Romania	79,893	24,781	31.01
UK	340,035	75,962	22.33
USA	6,179,406	2,903,049	46.97‡

\* The figures cover all crimes and offences. The juvenile offender statistics relate only to persons under the age of 18.

† Excluding Traffic and Motor Vehicle Act offences, but covering all offences under the ICP and other special and local laws.

‡ The figures are for 1974 and drawn from the Uniform crime reports.

SOURCE : *International Crime Statistics*—Interpol.

definition of 'juvenile', the varying limits of criminal responsibility in various societies and the infirmities in computation, all of which have been acknowledged by the Interpol while processing the statistics. All the same, they do project indisputably the glaring preponderance of juvenile and youth criminality in developed societies as against the refreshingly low rates of delinquency in countries like India.

In India, the age of criminal responsibility has been fixed more than a century ago at the age of twelve. According to the Indian Penal Code, nothing is an offence if committed by a child of seven, or of the age between seven and twelve if it does not have the requisite maturity. It is, therefore, the criminal acts and violations of law of children above twelve which concern us although the statistical reports include the offences committed by lower age groups. According to the Children's Act which has been projected as a model for all the States and Union Territories in India, a child has been defined as a boy under sixteen years of age and a girl under eighteen, and delinquency is determined not merely by the degree of social or adult disapproval of a particular type of behaviour but by the commission of an 'offence'. To this extent, the Indian approach is more realistic than in some other societies where determined attempts are made to bring within its purview acts which would not be penalized if committed by adults. Despite these wholesome features in the Indian legislation, there is still

a conspicuous lack of uniformity in the adoption of age limits in different States on the one hand and an insistent campaign to extend them to the outer limits of 21. This has led to the inclusion of two age groups of 16-18 and 18-21 in our juvenile delinquency statistics, but it is difficult to delineate categorically where juvenility ends and youthfulness begins. Even so, is 21 the outer limit of 'youth' when adulthood begins? According to one authority at least, "generally the age group fifteen to twenty-five is regarded as constituting youth, but in some cases, the age group fifteen to twenty-nine has been included in this category".<sup>61</sup> The conceptual problems relating to the definitions of crime and delinquency on the one hand, and the emergence of categories of offenders as juvenile delinquents, adolescents and 'young adults' have made confusion worse confounded. How then are we to view the demand for lowering the voting age from 21 to 18? If it is a genuine recognition of the maturity of our young people, what justification can we have in looking upon the age group of 18-21 as a special category in determining criminal liability and suggesting a particular penal response? It appears safe to restrict our study of juvenile delinquency to all violations of penal law committed by children whose adjudication, custody and treatment have to be imbued with a philosophy of protection.

An alarmist view of juvenile delinquency is projected by the annual statistics as shown in Table 25.

TABLE 25 JUVENILE INVOLVEMENT IN OFFENCES  
UNDER THE IPC

Year	Total crime under the IPC	Juvenile crime under IPC	Percentage
1961	625,651	16,160	2.58
1963	658,830	16,432	2.49
1965	751,615	20,988	2.79
1967	881,981	22,853	2.59
1969	845,167	21,703	2.56
1971	952,581	26,846	2.81
1973	1,077,181	36,469	3.38
1974	1,192,277	40,666	3.41
1977	1,267,004	44,008	3.50

Quantitatively, juvenile participation which includes all age groups upto and inclusive of 21 has risen but it has to be viewed in the context of rising crime and the background of an explosion in population. The quantum of juvenile crime as a part of the total crime in the country has remained more or less constant except for a sudden spurt in

<sup>61</sup>Y.B. Damle, 'Youth', in S. C. Dubey, *op. cit.*

1972-73. But then, as emphasized by Moller, we have to take cognizance of the higher percentage of young people in a rapidly growing population as in India. "In any community the number of adolescents and young adults influences the temper of life; and the greater the proportion of young people, the greater the likelihood of cultural and political change."<sup>62</sup>

The problem can also be examined from the ratio of juveniles arrested to the total number of persons involved in cognizable offences under the Indian Penal Code.

TABLE 26 APPREHENSIONS OF JUVENILE OFFENDERS  
UNDER THE IPC

Year	Total No. of persons arrested	No. of juveniles apprehended	Percentage
1971	1,130,857	36,386	3.21
1972	1,226,436	52,358	4.26
1973	1,380,530	53,227	3.85
1974	1,474,217	63,645	4.31
1977	1,538,515	61,857	4.0

The arrest rates confirm the comparatively low involvement of juveniles in criminal offences (Table 26).

Burglary and theft constitute the bulk of juvenile crime making up as much as 57.9 per cent. If the miscellaneous offences are left out, the next important category relates to riots which are primarily a manifestation of adolescent indiscipline and youth exuberance emerging from participation in political agitations and demonstrations and other forms of student unrest. Table 27 demonstrates that juvenile participation in other serious offences is minimal.

There is general consistency of juvenile participation in serious crime which is established through Table 28.

Adverting to the special and local laws and their violations by juveniles, the erratic nature of the available statistics (Table 29) not only warns us against reaching hasty conclusions, but also projects their sporadic enforcement.

The statistics of involvement of juveniles in violations of special and local laws in 1971 is suspect. The wide divergence between the number of cases recorded and the number of persons arrested suggests that there was some serious error in computation. All the same, juvenile involvement in gambling and prohibition is unexceptionable and the bulk of it is at the instigation and with the connivance of their elders.

<sup>62</sup>Herbert Moller, "Youth as a Force in the Modern World", *Comparative Studies in Society and History*, April, 1968,

TABLE 27 JUVENILE DELINQUENCY (INDIAN PENAL CODE)  
1973-77 (CASES)

Offences	1973		1977	
	No. of offences	Percentage of offences	No. of offences	Percentage of offences
Murder	651	1.78	864	1.96
Kidnapping and abduction	301	0.82	329	0.75
Dacoity	317	0.86	285	0.65
Robbery	455	1.24	630	1.43
Burglary	6,251	17.14	6,549	14.7
Theft	14,654	40.18	16,069	36.5
Riots	3,541	9.70	4,903	10.7
Fraudulent offences	442	1.21	485	1.1
Miscellaneous	9,857	27.02	13,895	30.2
TOTAL	36,469	—	44,008	—

TABLE 28 JUVENILE PARTICIPATION IN SERIOUS OFFENCES

Offence	Percentage of Juvenile Participation				
	1971	1972	1973	1974	Average
Murder	2.1	2.3	2.0	1.9	2.1
Kidnapping and abduction	1.1	1.2	0.8	1.0	1.0
Dacoity	0.4	0.8	0.9	0.7	0.7
Robbery	1.2	4.3	1.2	1.2	2.0
Burglary	16.7	15.2	17.2	17.8	16.7
Thefts	38.8	38.7	40.2	39.7	39.2
Riots	6.4	8.1	9.7	9.1	8.3
Fraudulent offences	1.6	1.4	1.2	1.3	1.4
Rape	0.6	0.6	0.5	0.3	0.3
Miscellaneous	31.1	27.5	26.3	27.0	28.0

TABLE 29 JUVENILE PARTICIPATION IN SPECIAL AND LOCAL  
LAW VIOLATIONS (1971-77)

Nature of offence	1971		1974		1977	
	Cases	No. Arrested	Cases	No. Arrested	Cases	No. Arrested
Gambling	16,244	19,145	15,183	21,257	11,727	18,132
Excise and prohibition	41,562	23,225	14,574	18,577	25,734	27,828
Immoral Traffic	1,617	1,164	2,139	2,150	1,843	1,839
Railway offences (mostly ticketless travel and loitering)	16,099	964	763	1,415	3,665	2,540
All offences under special and local laws	1,42,760	67,033	61,774	76,994	73,434	79,302

SOURCE : *Crime in India*.

Is juvenile delinquency an essentially urban problem as it is generally presumed? On the basis of incidence in the eight Metropolitan cities an assessment is attempted as shown in Table 30.

TABLE 30 INCIDENCE OF JUVENILE CRIME : METROPOLITAN CITIES

<i>Year</i>	<i>Total Juvenile crime under the IPC</i>	<i>Juvenile crime in metropolitan cities</i>	<i>Percentage</i>
1961	16,160	2,697	16.7
1965	20,988	2,456	11.7
1967	22,853	2,501	10.9
1969	21,703	3,409	15.7
1971	26,846	3,305	12.3
1973	36,469	4,159	11.4
1975	39,888	5,167	13.0
1977	44,008	5,570	12.7

SOURCE : *Crime in India*, Ministry of Home Affairs, Government of India.

Here again, we fail to notice a rational trend. The erratic spurts and decreases during the last decade do not inspire confidence in the integrity of the statistics. A most intriguing feature of these statistics is that the incidence of juvenile crime which constituted about 16.7 per cent of the total in 1961 has fallen to 11.4 per cent despite a phenomenal increase in the population of these cities. The average incidence of juvenile crime for all these cities works out to about 12.9 per cent for an urban population of 20.7 millions living in the metropolitan cities alone. The higher concentration of juvenile delinquency in urban areas follows the familiar pattern of adult criminality.

Commencing from 1971, the statistics as demonstrated in Table 31 were expanded to cover the various socio-economic and cultural factors.

TABLE 31 RELIGIOUS AFFILIATION OF JUVENILES  
ARRESTED : 1971

<i>Religion</i>	<i>Percentage of total population</i>	<i>Percentage of juveniles arrested : all groups and all offences</i>
Hindu	82.72	66.0
Muslim	11.20	17.9
Sikh	1.89	.9
Christian	2.59	3.0
Others	1.57	11.8

The higher percentages among the Muslims and Christians may be partly attributed to their greater concentration in urban settings. Another factor which may have some bearing on the differential association of juvenile crime with religion is the comparatively rapid growth

of population among the Muslims and other communities *vis-a-vis* the Hindus. During the decade 1961-71, while the population of the Hindus rose by 23.2 per cent, the corresponding increases for the Muslims and Christians were 30.84 and 32.64 respectively, which suggest *inter alia* that there is correspondingly greater proportion of youth.

The comparatively greater involvement of scheduled castes and tribes also deserves notice. In 1971, the total population of scheduled castes was 79.99 millions constituting about 14.5 per cent of the population. Yet 21.0 per cent of the juveniles arrested during the year belonged to these economically deprived and weaker sections. Similarly, the scheduled tribes constituting 6.94 per cent of the total population had a juvenile arrest rate of 14.2 per cent. The higher rates suggest that juvenile criminality is due to economic deprivation and or habitual indoctrination.

The distribution of juvenile delinquency and youthful crime illustrated in Fig. 6 brings out the preponderant participation of the age group of 16-21 as represented by the number of apprehensions under the Indian Penal Code and other special and local laws.

Youthful crime by the age group of 16-21 increased roughly by 1.50 per cent. Of the 112,123 young persons of the group of 16-21, 52,899 were involved in offences under the Indian Penal Code while the rest were apprehended for violations of special and local laws.

It is unfortunate that commencing from 1971 juvenile delinquency statistics ceased to furnish full particulars of neglected and uncontrollable children. That the enforcement of the children's Acts is sporadic is reflected in the statistics as shown in Table 32 of apprehensions made ostensibly for such offences as begging, vagrancy and uncontrollability.

TABLE 32 APPREHENSIONS MADE UNDER THE  
CHILDREN'S ACTS

Year	Age Groups			Total
	7-12	12-16	16-21	
1961	5,899	3,090	2,850	11,839
1965	4,583	2,123	40	6,746
1967	2,900	1,987	177	5,064
1969	4,279	3,836	1,112	9,227

The erratic enforcement of juvenile legislation is mainly due to the fact that although most States have juvenile delinquency legislation, the implementation has been halting and tardy. In a few States, the administrative procedures and regulations have not been drawn up and even where this is done, institutional facilities are so meagre that most

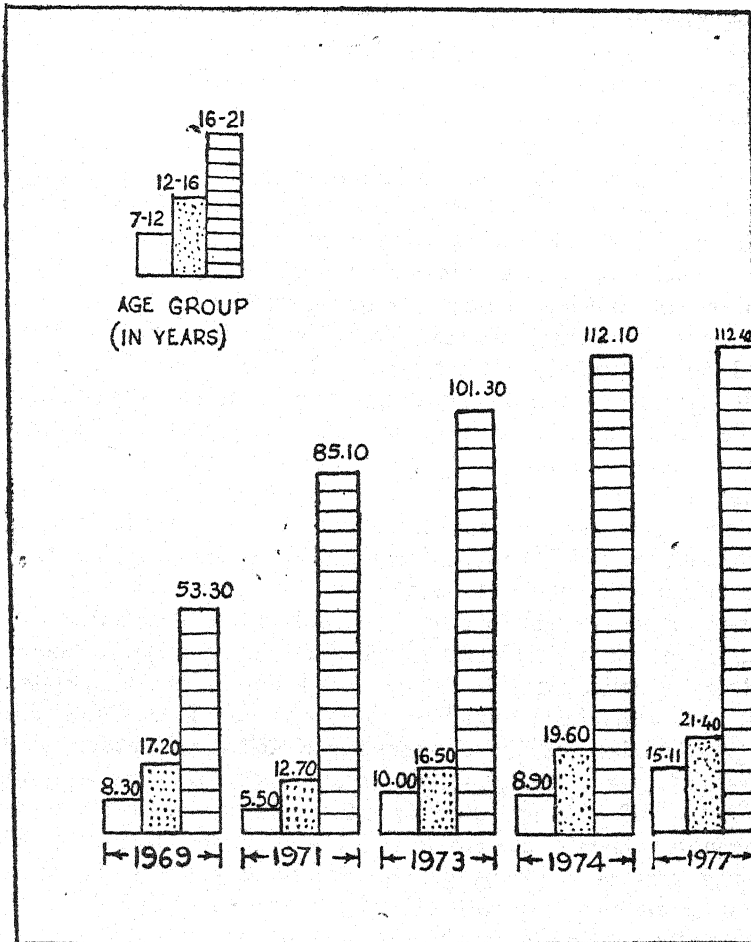


Fig. 6 Juvenile and Young Offenders; Apprehensions (In Thousands)

neglected children and those in need of real protection are left to the tender mercies of a society which expresses deep concern but does little to alleviate it. It is not the place here to discuss the social utility and effectiveness of the institutions which instead of providing the protective cover to the rejected children have, with their bureaucratic inaptitude, regimentation and lack of missionary zeal, with some notable exceptions, turned out to be no more than breeding and preparatory grounds for adult criminality as a recent survey has revealed.<sup>63</sup>

<sup>63</sup>Prema Viswanathan, "The Child Offender", *The Times of India*, April 18, 1978. Also see Anthony M. Platt, *The Child Savers: The Invention of Delinquency*, University of Chicago Press, Chicago.

The integrity of juvenile statistics can also be questioned from the divergent regional trends which should normally conform to adult criminality as noticed earlier. In 1977, the sprawling State of Uttar Pradesh which had one of the highest rates of crime reported not more than 359 offences committed by juveniles while the corresponding figures for Madhya Pradesh and Maharashtra, were counted as 8834 and 10433 respectively. The metropolitan city of Calcutta with its ever-increasing population has only a juvenile crime figure of 186 as against much higher figures in less populous cities. No wonder, the compilers of official statistics were constrained to state that the incidence in different States and Union Territories varied widely and it had no relationship with the area or the population of the State.<sup>64</sup>

Although national statistics do not project an alarming picture of juvenile delinquency, the problem may not be so simple and it is difficult to escape the impression that a completely distorted perspective is created by the enforcement agencies who supply the statistics. Even if the statistical machinery is improved, the divergent attitudes towards delinquent children and differential enforcement of the children's Acts will not facilitate in arriving at a clear trend.

Despite these inherent deficiencies, certain broad generalizations can be made on the basis of some recent studies and surveys. These are : (1) Juvenile delinquency is noticed primarily in urban areas and is closely related to adult criminality; (2) the higher rates of delinquency among the Muslims and Christians are due to their concentration in urban settings and more acute economic deprivation; (3) there is a higher participation of children belonging to the erstwhile criminal tribes; and (4) the most vulnerable age group is 16-21. While the deviant behaviour of young persons conforms generally to adult patterns of criminality there is a disconcerting increase in their participation in riots, a fair quantum of which can be ascribed to student unrest and violence. □

<sup>64</sup>See *Crime in India*, Bureau of Police Research and Development, New Delhi.

## FOUR

# REGIONAL VARIATIONS

**S**TRETCHING from the snow-clad Himalayas in the North to the equatorial shores in the South, India provides an astonishing variety of terrain, climate, language, religion, caste, ethnicity and tradition. Of its total area of 3.28 million square kilometers, 10.7 per cent lies in inaccessible mountains, 18.6 per cent constitutes sparsely populated hilly tracks, 27.7 per cent in plateau and the rest in densely populated plains.<sup>1</sup> The climate varies from the torrid and the tropical to the Arctic, and from high aridity to maximum humidity. The rainfall, dependent on two monsoons varies from region to region. The population represents all the primary ethnic groups. Although the recognized languages are only fifteen, there are as many as 170 spoken languages not to speak of a large number of dialects. According to the 1971 census, 82.72 per cent of the population profess Hinduism while the rest are Muslims (11.2%), Christians (2.66%), Sikhs (1.89%), Jains (.70%) and Buddhists (0.03%). The religious beliefs have considerable influence on the value systems of the groups. Nevertheless, as one geographer has put it, "there is wonderful capacity for toleration which explains the vitality and strength of the Indian social structure..."<sup>2</sup>

The application of ecological principles to the study of social phenomenon owes much to the pioneering efforts of Park.<sup>3</sup> The Chicago school drew much of its inspiration from the ecological concept that a community within the confines of a specific geographic setting develops a typical social organism. "Knowledge of ecological processes...is basic to all social sciences as social and political institutions have a spatial base, and arise and function in response to changing conditions of

<sup>1</sup>C.B. Marmoria, *Geography of India*, p. 7.

<sup>2</sup>*Ibid.*

<sup>3</sup>R. Park was one of the earliest ecologists who studied the effect of environment on culture adopting the anthropological method of participant observation.

environment and competition. Institutional stability is largely dependent on space relations.”<sup>4</sup>

The study of spatial dispersion of criminal behaviour can be questioned on the ground that a ‘criminal area’ is not necessarily where crime is committed but wherefrom the criminal emerges. If crime is studied as a phenomenon, the area in which it occurs is important; if it is perceived merely as an individual aberration, the area from which the criminal attains that status assumes importance. Both are relevant, the emphasis being dependent on the angle from which criminality is explored. The distinction has been well-made by El Saaty between the “breeding areas and attracting areas” in his study of crime in Cairo.<sup>5</sup> In large geographical settings both are so closely inter-related that a demarcation is not necessary. This aspect will be examined in greater depth while analysing the crime patterns in cities, but here again, the work of the Chicago school which based many of its findings in relation to small segments of differential homogeneity were contested by many as unrelated to facts.

In a similar study in the United Kingdom, Morris sought to distinguish between the ecological and psychological approaches. While restating the dilemmas in development of criminology as a scientific discipline, he located the strength and weakness of each. While accepting the validity of psychological enquiry into the nature of antisocial behaviour and stating that “any scheme which isolates the individual for analytic purposes is essentially psychological rather than sociological”, he recognizes the impact of social values on behavioural patterns.<sup>6</sup> Even if an individual’s attitude and behaviour are unique in the sense they are impelled by the psychological pressures he experiences, they are related to common characteristics which can be grouped and studied in the larger framework of the social structure which generates those compulsions. Wolfgang and Ferracuti went even a step further and attempted to develop an integrated approach.<sup>7</sup>

Why was then the ecological approach which had a promising start relegated to the background? Morris ascribes it to the influence of Darwinism and the charismatic appeal of the Lombrosian theories of the born criminal which not only obscured the sociological issues but also provided a convenient escape route of enquiry, more attractive because of its scientific orientation. Lidesmith and Levin say: “It may be that the theory of the born criminal offered convenient rationalization

<sup>4</sup>R.D. McKenzie, “Human Ecology”, *Encyclopaedia of Social Sciences*, 1942 edition.

<sup>5</sup>El Saaty, “Juvenile Delinquency in Egypt”, quoted by Terence Morris in his *The Criminal Area*, Routledge and Kegan Paul, London, 1966.

<sup>6</sup>Terence Morris, *op. cit.*

<sup>7</sup>M.E. Wolfgang and Ferracuti, *The Subculture of Violence*, Tavistock Publications, London, 1967.

of the failure of preventive effort and an escape from the implications of the dangerous doctrine that crime is an essential product of our social organizations."<sup>8</sup>

What geographic features are primarily responsible for regional variations? What cultural factors reinforce or restrain antisocial attitudes in a particular milieu? Why are certain categories of crime more prominent in some States than in others? How does the economic development of an area affect the crime situation? What is the relationship between crime incidence and level and quality of policing? In what manner do spatial features affect individual response to environmental influences? Since crime is endemic in the social structure, how does local stratification act towards spatial diffusion or concentration of crime? These questions are critical to the geographic approach which, it is claimed, would synthesise ecological and psychological variables and also provide a 'continuum from micro to macro scales' in understanding the crime generating process.<sup>9</sup>

The regional classification of the country most favoured by geographers is to divide it into four major regions—the Himalayan rim, the Indo-Gangetic plain, the peninsular plateau and the coastal plains. A physiographic regional division on the above lines is of little use for an analysis of spatial distribution of crime. I have, therefore, followed Mamoria's classification which divides India into six regions—a pattern generally followed in the census reports with slight modification. The North-Western region consists of the Himalayan regions of Himachal Pradesh, Jammu & Kashmir, and the States of Punjab and Haryana as well as Rajasthan. The States of Uttar Pradesh and Bihar covering almost the entire Indo-Gangetic plain and the Union Territory of Delhi constitute the Northern region. Bihar is included occasionally in the Eastern region by some geographers since it was administratively linked to the eastern State of Orissa till 1937. It has, however, strong linguistic and cultural affinities with Uttar Pradesh and has a long and contiguous Himalayan border in the North. The Eastern region consists of West Bengal, Assam and the medley of North Eastern States and Union Territories whose formation is comparatively recent and Orissa. The Western region does not present any problem comprising the States of Maharashtra and Gujarat. The Southern Region is also unambiguous since all the four Southern States form a composite group, having a common culture, ethnic and administrative tradition. This leaves us with the Central Region which is unique in the sense that the entire region consists of one State only—Madhya Pradesh which does not

<sup>8</sup>A.A. Lidesmith and Y. Levin, "The Lombrosian Myth in Criminology", *American Journal of Sociology*, 42, 1937.

<sup>9</sup>Keith D. Harris, *The Geography of Crime*, Mc Graw-Hill Book Company, New York, 1974.

compare with other regional composites. Indeed, the Central Indian region should comprise, in addition to the existing State of Madhya Pradesh, some areas of southern Uttar Pradesh and Bihar, the south-western districts of Orissa, Marathwada and Vidarbha, the Telengana districts of Andhra Pradesh including Hyderabad. A similar line of argument would suggest the inclusion of certain districts of Rajasthan in the Northern region, while some could form part of the Western region. In the immediate context, however, the States and Union Territories are distinct political and administrative units and statistical data are determined and published according to them. In any case, the regional differences have to be related to the maximum number of common factors which can be successfully isolated in respect of individual States. Even at the risk of exposing the present analysis of regional distribution of crime to the charge of arbitrariness, it has become necessary to adhere to the current administrative divisions.

In the only statistical analysis of crime in India, Baldev Raj Nayar faced a similar predicament.<sup>10</sup> He divided the country into five regions and included Rajasthan, Uttar Pradesh and Bihar in the Central region while the Northern region was made up of Jammu & Kashmir, Himachal Pradesh, Punjab and Haryana. The logic of including Uttar Pradesh and Bihar in the Central region is not clear. There are other features of distortion as well, but it is not necessary to go into them as there are a number of alternatives in working out a regional configuration, each with its advantages and disadvantages. The problem is indeed insoluble. The geographers have not succeeded in presenting a universally acceptable regional configuration of the States which are the creatures of historical accidents and linguistic considerations. The shape and contours of a country do not permit a simple division strictly in conformity with geographical directions. Where a simple North-South and East-West division is not possible, other factors which can provide some element of homogeneity have to be taken into consideration. Table 1 represents merely another attempt at regional configuration and will be adopted in the present analysis.

It is not claimed that the above grouping is an ideal one. Table 2 showing the relevant demographic features projects the imbalances.

In Table 3 changes in the incidence of crime are given regionwise.

A notable feature of the statistics is the consistently low crime rates of the North-Western and Southern regions. However, there is a gradual rise in the level of crime in the country as a whole, the national crime rate having risen from 143.0 in 1961 to 203.4 in 1974, with

<sup>10</sup>Baldev Raj Nayar, *Violence and Crime in India*, The Macmillan Company of India Ltd., Delhi, 1975.

TABLE 1 REGIONAL GROUPINGS OF STATES AND UNION TERRITORIES

Sl. No.	Region	States and Union Territories in the cluster
1.	North-Western	1. Jammu & Kashmir 2. Himachal Pradesh 3. Punjab 4. Haryana 5. Rajasthan 6. Chandigarh (UT)
2.	Northern	1. Uttar Pradesh 2. Bihar 3. Delhi (UT)
3.	Eastern	1. Assam 2. Manipur 3. Meghalaya 4. Nagaland 5. Tripura 6. West Bengal 7. Arunachal Pradesh (UT) 8. Mizoram (UT) 9. Orissa 10. Sikkim*
4.	Western	1. Maharashtra 2. Gujarat 3. Goa, Daman and Diu (UT) 4. Dadra and Nagar Haveli (UT)
5.	Central	1. Madhya Pradesh
6.	Southern	1. Andhra Pradesh 2. Tamil Nadu 3. Karnataka 4. Kerala 5. Pondicherry (UT)

\* Sikkim acceded to India in 1975.

NOTE: The Union Territories of Andaman & Nicobar Islands in the east and Lakshadweep in the south-west have been omitted.

TABLE 2 DEMOGRAPHIC FEATURES OF REGIONS

Region	Area in sq. kms.	Population in Millions	
		1961	1971
I. North-Western	715.26	45.36	57.66
II. Northern	469.87	122.84	148.75
III. Eastern	496.08	66.94	85.80
IV. Western	498.75	60.85	78.02
V. Central	443.45	32.37	41.65
VI. Southern	637.15	110.50	135.80

TABLE 3 REGIONAL DISTRIBUTION OF CRIME

<i>Region</i>	<i>Volume of Crime for hundred thousand population</i>			
	1961	1971	1973	1974
North-Western	96.18	113.90	128.1	128.9
Northern	138.61	234.50	223.8	215.5
Eastern	162.61	165.5	170.9	182.7
Western	155.67	170.7	221.2	230.5
Central	225.31	213.0	215.8	282.5
Southern	122.15	128.1	128.1	169.17

corresponding increases in the regional rates. The comparatively low crime rates in the two extreme corners of the country are well established. The sprawling North-Western region comprising the inhospitable mountain tracks at high altitudes has the lowest population density. The low incidence of crime in this region is easily explained, but paradoxically, the low crime rates in the populous and affluent States of Punjab and Haryana have also contributed to it. The Central region, despite a very low population density has been a consistently high crime area. The Northern region which remained in the low crime zone till the mid-sixties suddenly became a very high criminal area in 1970. The remarkable transformation occurred not due to any intrinsic sociological changes, but due to the erratic nature of criminal statistics.

TABLE 4 CRIME : NORTHERN REGION (U.P. &amp; BIHAR)

<i>Year</i>	<i>Total Cognizable Crime</i>		<i>Regional Total</i>
	<i>Uttar Pradesh</i>	<i>Bihar</i>	
1961	100,756	58,876	159,632
1963	132,220	63,785	196,005
1965	141,985	67,905	209,890
1967	170,698	86,120	256,818
1969	150,712	75,333	226,045
1970	233,754	84,091	317,845
1971	236,328	83,270	319,598
1973	220,567	92,068	312,635
1974	244,284	101,100	345,384

Table 4 illustrates the giant statistical leap in Uttar Pradesh in 1970 after a steady increase over a decade. The spectacular increase in one year by 40.6 per cent defies all rational explanations since nothing remarkable had occurred in the socio-economic structure to warrant it. It was primarily due to a vigorous drive launched by a new

incumbent to the office of the Inspector-General of Police who insisted on free registration of crime. In subsequent years, there is a trend of statistical stabilization and even an element of reduction which is certainly not in consonance with the growth of population. With the departure of the innovative police chief, the traditional inhibitions of the police towards free registration appear to have returned in full strength. The 'law and order' cliché is a good stick to beat the people as well as the rulers.

The entire region extending from the centre towards the north and the west makes up a contiguous high criminal area. The advent of the Western region into the area of high criminal incidence is a recent development. The Eastern region comprising a large number of small States and Union Territories and reflecting widely divergent rates of criminality presents on the whole medium crime rates. The level of crime in the Eastern region is also gradually rising, and it will not be surprising if it enters the high crime area in the not too distant future. The gradual extension of the 'criminal area' is presented graphically in Figs. 1, 2, 3 and 4.

#### INTER-STATE PATTERNS

The pattern of distribution of crime among the States changed remarkably since 1961. In that year when the national crime rate was 143.0, the highest incidence was in Madhya Pradesh while all its adjoining States reported comparatively low rates of crime. There are strong reasons to believe that at least in Uttar Pradesh statistics were unreliable and the medium rates reported throughout the sixties were statistically manipulated. At this point of time, Tamil Nadu in the South and West Bengal and Manipur in the East were in the high crime areas.

During the course of a decade, the picture changed considerably. The national crime rate rose to 173 in 1971 and further to 203.3 in the next three years. A more categorical statement of the widely divergent rates in the States against a back-drop of rising crime is provided in Table 5.

The high crime area has spread from Madhya Pradesh to the adjoining States of Uttar Pradesh and Maharashtra. Assam continues to maintain its position at the second level along with Manipur but the surprising feature is the relegation of West Bengal to the medium group. Equally surprising is the remarkable fall in crime in Tamil Nadu in 1971 but since then among the Southern States both Kerala and Tamil Nadu show signs of rising crime. A disconcerting feature is the sudden spurt of crime in the State of Jammu & Kashmir, but by and large, the Southern States and States in the North-west region continue to maintain the

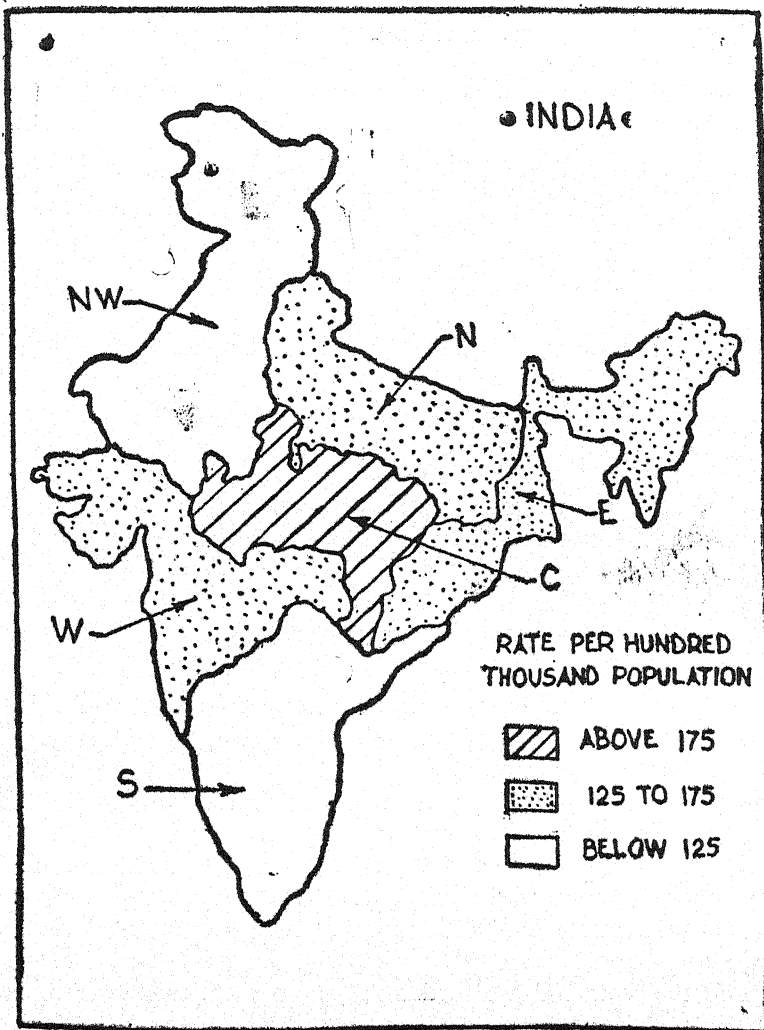


Fig. 1 Regional Distribution of Crime, 1961

record of low incidence of crime (Fig. 5). The Union Territories of Delhi and Pondicherry with high degree of urbanization have not been considered in the above rankings as the rest of the Metropolitan cities have been included in the geographic configurations to which they belong.

Another noteworthy feature of spatial distribution of crime is the absence of gradual sloping of crime within the regional configuration. The States adjacent to high criminal areas do not slide into the next crime level despite cultural affinities. A unique example is that of Bihar

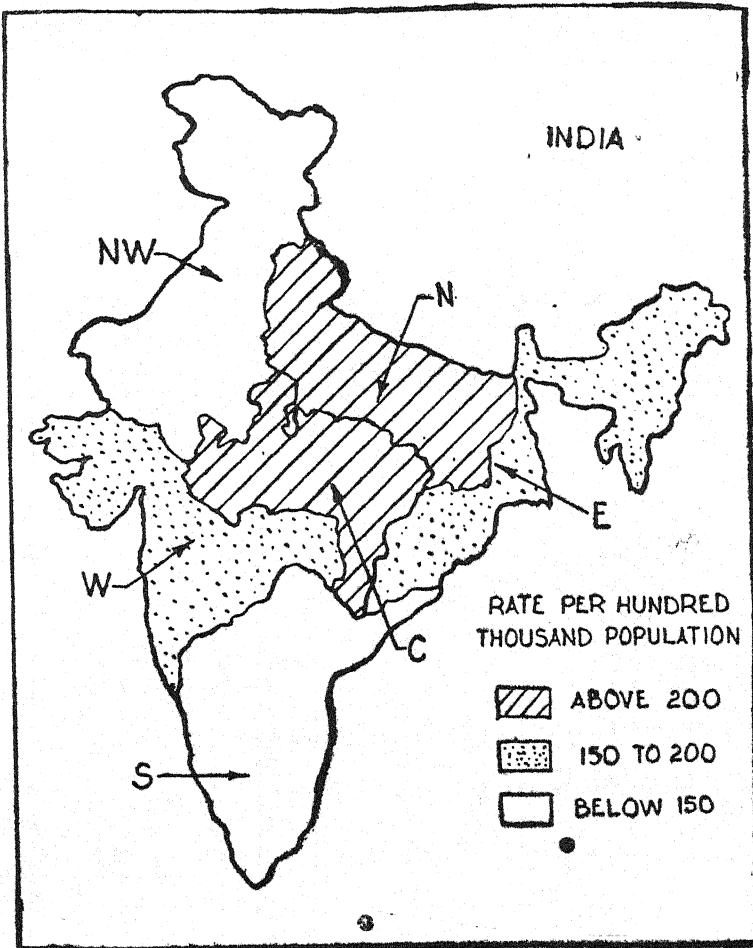


Fig. 2 Regional Distribution of Crime, 1971

whose low crime rates compared to Uttar Pradesh are inexplicable. The consistently low record of crime in the States of Andhra Pradesh, Punjab and Haryana are also intriguing and support the contention that State crime rates perhaps reflect more accurately the registration policies than actual incidence of crime.

Murder represents the highest form of individual violence. In 1961, Madhya Pradesh had the highest rate of murder, followed by Gujarat. (Figs. 6 and 7) The next decade, however, witnessed a decreasing trend in both the States. Nagaland consistently displayed a proclivity towards individual violence reflecting the deep roots of political insurgency. It is now one of the States in which murder rate is the highest.

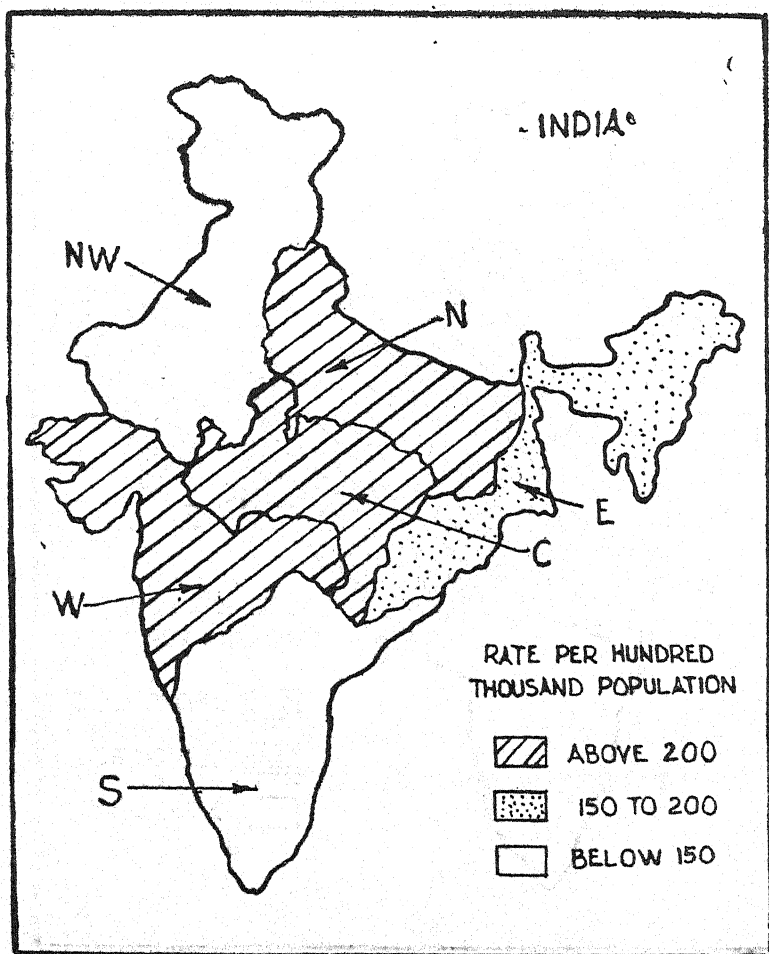


Fig. 3 Regional Distribution of Crime, 1973

Punjab, although very low in total cognizable crime, has also displayed moderate to high rates of murder (50.5 per million population in 1975) with Uttar Pradesh and Madhya Pradesh following closely. West Bengal's homicide rates are generally low except for the turbulent years of Naxalite violence in the years 1970-71. By 1975, it returned to the previous level. Indeed, West Bengal is one of the States in which the murder rate is low, the other two States which display a marked disinclination towards personal violence being Himachal Pradesh and Jammu & Kashmir.

Homicide rates are comparatively lower in urban areas and cities. The two notable exceptions are Kanpur and Delhi (Table 6). The trend

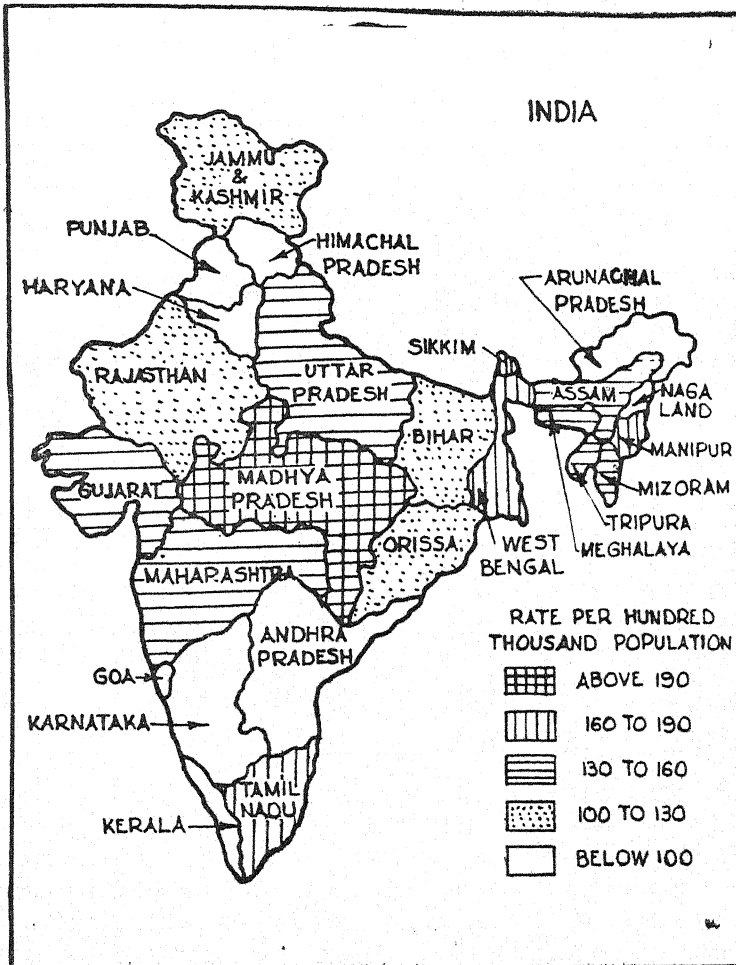


Fig. 4 Statewise Distribution of Crime, 1961

remains unchanged from what was noticed in the pilot study of urban patterns conducted about a decade ago.<sup>11</sup>

Even in urban settings, the incidence of crime, particularly of the violent variety, is in consonance with the level of criminality of the regions in which they are situated. The very high rates of homicide in Delhi and Kanpur (rising steeply over the national homicide rate of 3.2) in contrast to the extremely low rates in Southern cities like Bangalore, Madras and Hyderabad suggest that urbanization cannot be completely

<sup>11</sup>S. Venugopal Rao, *Murder : A Pilot Study of Urban Patterns*, Central Bureau of Investigation, New Delhi, 1967,

isolated from the cultural traits of the region.

TABLE 5 INTER-STATE DISTRIBUTION OF CRIME

States	Volume of Crime			
	1961	1971	1974	1977
Andhra Pradesh	92.3	106.4	120.1	137.9
Assam	159.4	175.6	225.4	201.5
Bihar	126.7	147.2	169.2	151.9
Gujarat	148.6	121.9	193.1	195.6
Haryana	—	82.2	94.6	113.3
Himachal	89.0	72.7	105.5	115.6
J & K	109.5	119.0	176.4	166.1
Karnataka	110.7	124.3	156.8	208.5
Kerala	100.1	138.8	187.7	169.5
M. P.	225.1	211.3	282.2	301.8
Maharashtra	162.2	195.9	267.0	234.3
Manipur	174.9	179.6	245.4	248.7
Meghalaya	—	—	144.7	142.3
Nagaland	68.3	194.2	201.1	131.9
Orissa	121.7	138.3	137.3	140.8
Punjab	84.9	84.5	89.4	92.9
Rajasthan	105.6	142.0	184.0	203.9
Tamil Nadu	174.7	144.3	182.1	200.4
Tripura	242.2	114.1	142.5	202.4
Uttar Pradesh	136.6	266.3	261.9	224.8
West Bengal	188.6	177.8	281.4	176.7

While a wide range of motives contribute to the incidence of murder and some of them can be reasonably ascribed to ideological overtones, as in West Bengal in 1971 and currently in Nagaland and Mizoram, rioting is a clear indicator of political dissent with accent on violence. All riots, however, are not necessarily political in content and motivation; a fairly good proportion of them have traditional overtones (inter-caste and intra-caste tensions) and arise from economic imbalances and exploitative practices (land disputes) and youthful effervescence (student riots). All the same, rioting is a positive indicator of political tension, although the triggering situation may be apparently unrelated. While discussing the national trends, the increase in riots over the last decade was ascribed to the growth of violence as a means of achieving political goals. Recently, a State legislature was the scene of actual rioting between the elected representatives who swore by the idealism of Mahatma Gandhi. Leaving those cases arising from purely personal and group differences, a substantial number of riots are manifestations of political dissent and pose a serious challenge to the capacity of the democratic structure.

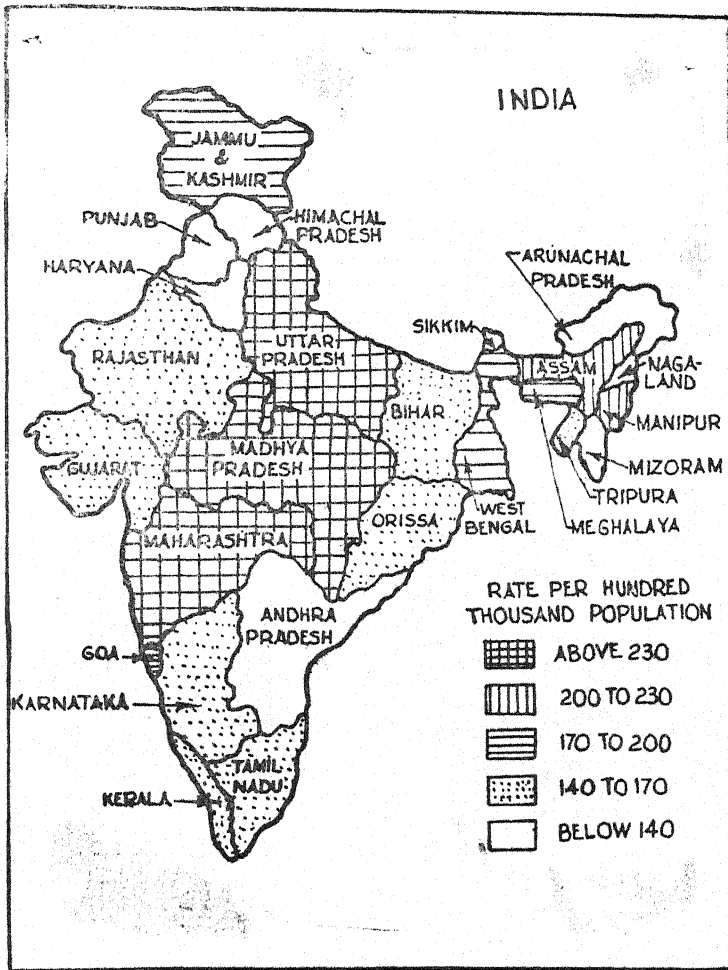


Fig. 5 Statewise Distribution of Crime, 1971-74

The pattern of rioting across the States has undergone some noticeable changes in recent years. In 1961, Kerala, West Bengal and Assam showed marked proclivity towards violence while Punjab (including the present State of Haryana) and Nagaland, registered remarkably low rates (Fig. 8). In Nagaland, political dissent took the form of insurgency as distinct from the familiar forms of mass agitations in other States. This accounts for the very high homicide rates while rioting is conspicuous by its absence. The low rates of rioting in Punjab and Haryana are intriguing, but in the light of statistics which display a remarkable degree of consistency, the contention that economic advancement has to be associated

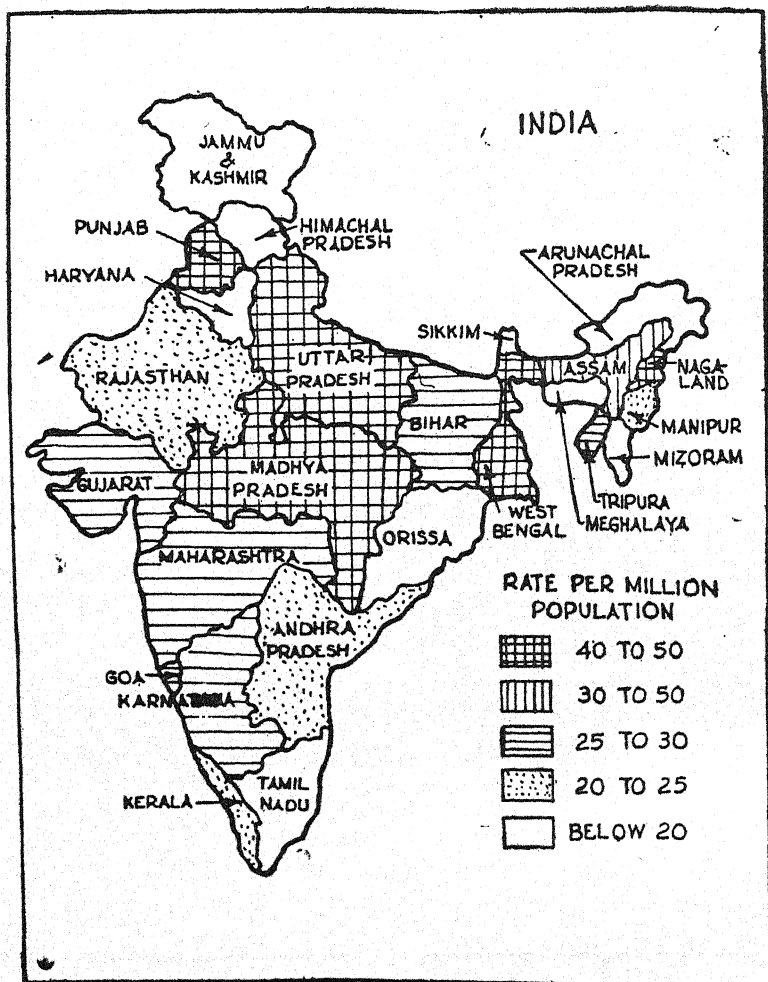


Fig. 6 Regional Distribution of Murder, 1971

with rising criminality, may not be accepted. Both these States have an enviable record of economic advancement. If research in depth regarding the extent of unreported crime in these two States is undertaken and it confirms the low crime rates, some of the pet theories of crime causation and its relationship with economic development may have to be modified.

The patterns of violence have not undergone much change after a decade which is based on the average for the years 1971, 1973 and 1975 (Fig. 9). The volume of rioting in most States showed a decrease in response to the imposition of internal Emergency, Kerala which was in the

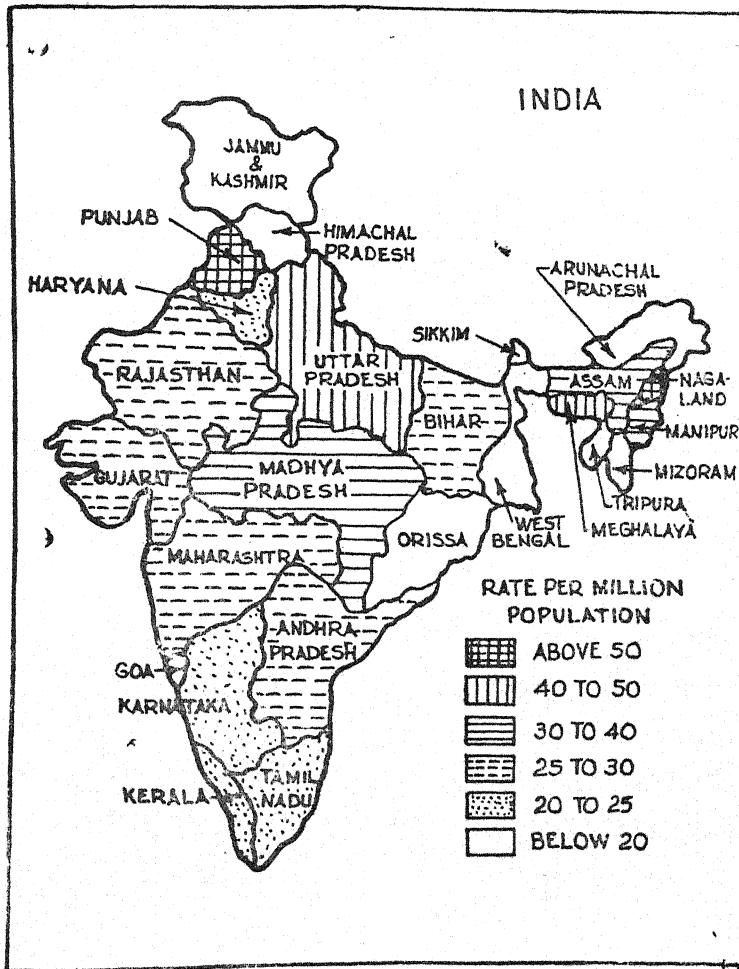


Fig. 7 Regional Distribution of Murder-1973

medium range in the early sixties reached the highest rate in 1973 (25.3) followed by Assam (24.4), Bihar (21.3), Rajasthan (21.4) and West Bengal (20.9). The Southern States with the solitary exception of Kerala have maintained a low rate of public violence while the Eastern region has displayed a consistent record of confrontation with law. The progressive increase in violence in the State of Jammu & Kashmir reflects the emerging tensions in the process of integration with the mainstream of national life. Maharashtra and Gujarat have made rapid strides in industrial development, but surprisingly have low riot rates.

On the basis of an analysis of the incidence of riots throughout the

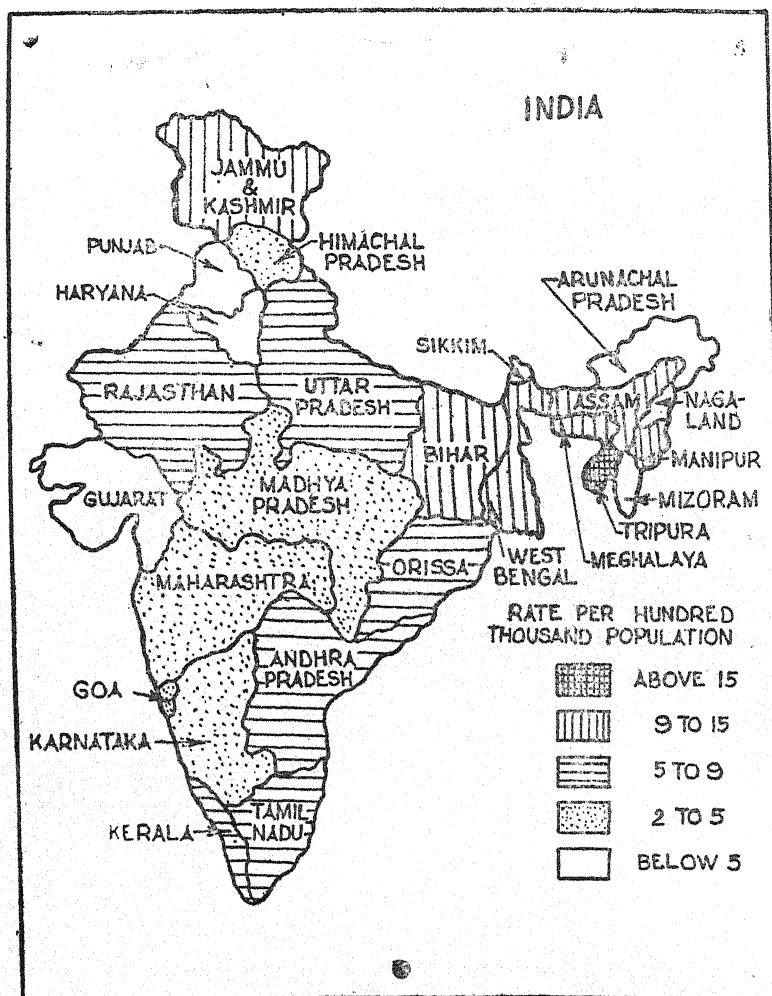


Fig. 8 Regional Distribution of Riots, 1961

country over a ten year period (1959-68), Baldev Raj Nayar found that "there was a political culture of violence which tends to be persistent and regional in character".<sup>12</sup> This is only partly correct. The distinction he makes between collective or group violence as projected in the incidence of riots and individual violence represented by the murder rate is, however, unexceptionable and explains the widely divergent rates for the two forms of violence in such States as Punjab and Gujarat where collective violence is low but homicide rates are comparatively high. While

<sup>12</sup>Baldev Raj Nayar, *op. cit.*

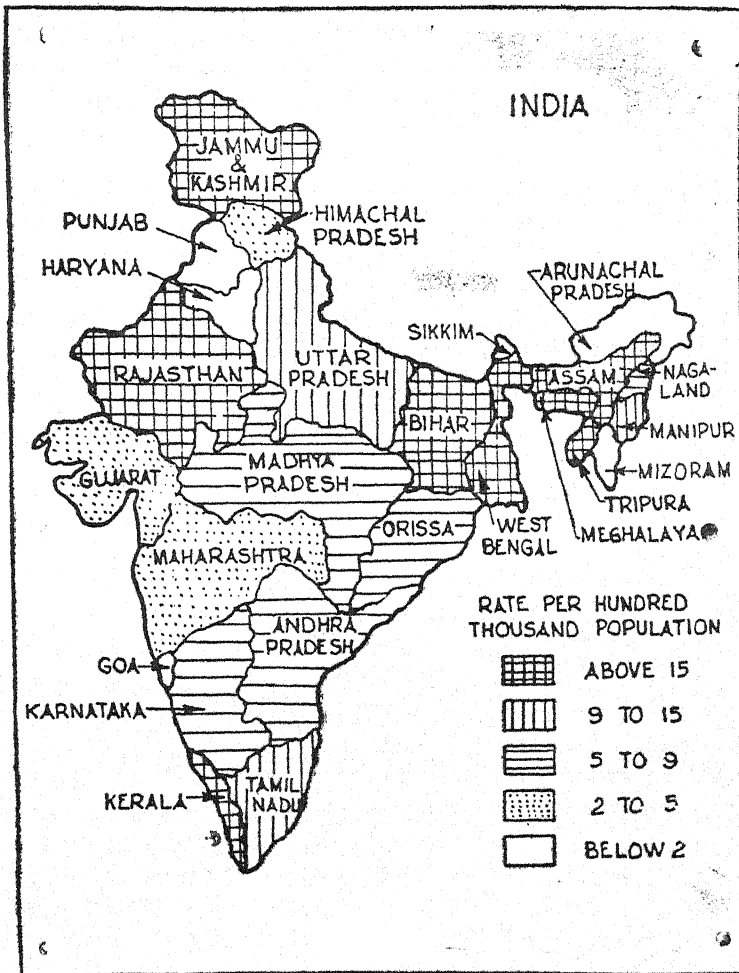


Fig. 9 Regional Distribution of Riots, 1971-1975

the regional character of collective violence is confirmed by the consistent record of the Eastern States and Kerala where political tensions are accentuated by ideological conflict, one cannot but notice the spread of violence in the Northern region comprising the States of Bihar and Uttar Pradesh. The most surprising feature of the analysis is the emergence of Rajasthan which has been traditionally free from this type of crime.

No attempt has been made to analyse separately the State-wise distribution of thefts, burglaries and other offences against property since together they constitute the bulk of total cognizable crime under the Indian Penal Code and consequently determine the general trends.

TABLE 6 HOMICIDE RATES IN METROPOLITAN CITIES (1977)

<i>Cities</i>	<i>No. of Murders</i>	<i>Volume of Crime</i>	<i>Volume of Crime in the state</i>
Ahmedabad	43	2.2	2.8
Bangalore	37	3.0	2.5
Bombay	194	2.5	2.7
Calcutta	64	1.4	1.6
Delhi	151	3.1	3.5
Hyderabad	43	2.1	2.6
Kanpur	73	5.3	5.0
Madras	22	1.7	1.9

Although certain pockets can be recognised as areas of high individual violence, the criminal areas are not necessarily the areas of violence. The latter are spreading rapidly which means they are responding visibly to the political developments which are subject to severe ideological thrusts which, as may be reasonably anticipated, will intensify in the coming years.

#### STRUCTURAL COORDINATES OF CRIME

Since crime is ascribed to a wide range of factors acting independently and in inter-action in the socio-cultural *milieu*, one may start with a broad hypothesis that there is a relationship between it and the socio-economic and cultural factors. If such a hypothesis can be established, a criminological theory, even if it is a 'middle range' one, may not be elusive. The problem, however, is not so simple as extensive research during the last few decades all over the world has not been able to provide a clear insight into the manner and the extent to which these factors influence human behaviour, and the intensity of each factor which may vary over an infinite range of situations. There are also problems of identification and quantification. Super imposed on both is the dynamics of social change. The method and manner of selection of the most appropriate indicators from among a forbiddingly large range of social, economic and cultural variables developed by demographers and social scientists presents serious difficulties. They cover such diverse fields of national development such as agriculture, industry, gross national product (GNP), *per capita* income, employment and wages, transport and communications, mass media, education, health, housing, trade and commerce, religion, caste and class. Theoretically, every indicator derived from the present state of society has an impact on corporate and individual behaviour, but a correlation on the basis of large number of indicators is an unwieldy exercise and is unrelated to the

world of reality. On the other hand, the findings may not be more than simplistic generalisations if a small number of indicators are selected. Despite the inherent risk, I have adopted the second alternative since, in a macroscopic view of crime, the marginal indicators may be given up with some advantage. The indicators selected are: population density, *per capita* income, literacy, unemployment and percentage of the deprived sections as represented by the scheduled castes and tribes. There are two other factors which are also relevant—urbanization and industrialization—which are important facets of the development process, but as it has already been established statistically that nearly sixty per cent of reported crime can be located in urban settings and both are inter-dependent, they have been omitted. In Table 7, the indicators selected are given for the census year 1971 for the whole country.

TABLE 7 SOCIO-ECONOMIC INDICATORS AND VOLUME OF CRIME  
INDIA—1971

<i>Indicator</i>	
Population Density (per hectare)	16.70
Per Capita Income (at 1961 prices)	Rs. 334.54
Unemployment (No. of persons on the live registers of Employment Exchanges)	5.099 (Millions)
Literacy Rate (Percentage)	29.34
Percentage of Scheduled castes and tribes	21.53
Volume of Crime (Per one hundred thousand population)	173.3

SOURCE : Statistical Abstracts.

The relevance of population density to the crime phenomenon does not call for elaboration. The alarming rise of population from 439.1 millions in 1961 to 547.9 millions in 1971 represents a growth rate of 25 per cent. The estimated mid-year population in 1975 was 598 millions and according to one demographic projection, the population will cross the billion mark by the end of the century. The increasing population density means aggravation of inter-personal tensions against a backdrop of scarce resources and a higher degree of anonymity, both of which are criminogenic.

Notwithstanding the importance of personality factors in anti-social behaviour, it is often asserted that poverty is not a cause of crime on the ground that the majority of the poor and deprived are conformists. The soaring crime rates in affluent societies are ascribed to the disparities in economic levels and the widening gulf between aspirations and their fulfilment. The problem then is which among the innumerable economic indicators should be selected for our analysis. In the light of differential growth rates of development across the States, *per capita* income has

been chosen as it represents a vital index of nation's economic situation. Among the nations of the world, India's *per capita* income is one of the lowest and the number of people below the poverty line has consistently risen with growing population. The fact that the majority of people who are 'officially' known to be in conflict with the law are drawn from the deprived sections and lower economic groups, establishes the relevance of this indicator beyond any doubt since both the factors—deprivation and the widening gulf between the deprived and the affluent—are simultaneously at play.

Does illiteracy and ignorance have any impact on anti-social behaviour? The stresses and strains in our educational system have been well-brought out by a noted educationist: "India's illiteracy rate is among the highest in the world: universal elementary education for all children in the age-groups of six to fourteen years is still a distant dream; educational standards are, by and large, unsatisfactory, each stage of education being bedevilled with wastage, stagnation, and general ineffectiveness; and the system has become dysfunctional at all stages, especially at the secondary and university levels, and is generating immense social stresses and strains by creating rapidly increasing groups of educated unemployed."<sup>13</sup> Literacy is an important aspect of development and has been included in the small range of indicators in the light of its simultaneous capacity for accentuating and attenuating anti-social trends.

It has been appropriately said that the major share of the gains of economic development have accrued only to a small segment of society at the higher levels while the masses are caught inextricably in the suffocating coils of unemployment. An index of this economic deprivation can be seen in the fact that during the quarter of a century from 1947, "notwithstanding the creation of 20 million jobs in the organized sector, unemployment mounted. Over 2.14 million people were jobless, with 8,000 names being added in the rosters of the unemployed every day".<sup>14</sup> The spectre of unemployment is now grimmer than at any time.

Free India's commitment to a secular, socialist and democratic order has made 'protective discrimination' designed to safeguard the interests and welfare of the scheduled castes and tribes who constitute a sizable chunk of India's population, and who have been exploited socially and economically for many centuries within a rigid and pitiless caste system, imperative. As stated by Oomen, "the basic disability of the scheduled castes stems from their low ritual status whereas that of scheduled tribes

<sup>13</sup>J.P. Naik, 'Education', in *India Since Independence*, (ed.) S.C. Dube, Indian Institute of Advanced Study, Simla.

<sup>14</sup>S.C. Dube, in introduction to *India Since Independence*, op. cit.

is rooted in their physical isolation and associated psychological insulation".<sup>15</sup> The practice of bonded labour arising from long term indebtedness is an accentuated form of exploitation by money-lenders, traders and feudal landlords which hits the scheduled castes the most. According to a sample survey of 1961, 61.94 per cent in rural areas and 46.79 per cent in urban areas constituted the quantum of indebtedness of households of the scheduled castes.<sup>16</sup> Untouchability, of course, is the worst form of social discrimination. Despite the constitutional safeguards and a penal legislation which made such discrimination a crime, the evil remains, particularly in the vast rural areas. The discriminatory practices which persist through deep-rooted caste prejudices and the state's efforts to eliminate them through legal coercion result in two types of offences—one of continued discrimination in violation of the law, and the other of retaliation by the victims which has to be viewed in the nature of a conscious effort for reassertion. Here then is the basis for conflict and crime which are not fully represented in the criminal statistics. Some recent incidents of wholesale murder, loot and arson which made headlines in national newspapers as at Belchi<sup>17</sup> and the large-scale violence in Maharashtra<sup>18</sup> are merely symptoms of serious malady in which caste and class determinants are inextricably involved. Another important factor is the fact that among the scheduled castes and tribes, some had taken to crime as a profession and were notified under the nomenclature of 'criminal tribes'. Although such 'criminal' tribes have been de-notified and some attempts have been made to disperse them, it cannot be asserted confidently that they have been fully successful. A considerable amount of crime is even now attributed to the members of the erstwhile criminal tribes. The scheduled castes and tribes thus constitute an important part of society in respect of whom some criminogenic potential can be reasonably anticipated due to their economic deprivation, social isolation, exploitation and a resurgent spirit of unrest.

Starting with the hypothesis that the five socio-economic indicators—population density, *per capita* income, literacy, unemployment and proportion of the scheduled castes and tribes—influence the trends of anti-social behaviour in our society, a multiple regression equation has

<sup>15</sup>T.K. Oomen, "Scheduled Castes and Scheduled Tribes", in *India Since Independence*, *op. cit.*

<sup>16</sup>*Ibid.*

<sup>17</sup>On May 27, 1977, 11 Harijans were shot dead in cold blood and thrown into a pyre at Belchi village in Bihar. An unofficial committee came to the conclusion that it was a well-planned mass murder of landless Harijans.

<sup>18</sup>The Maharashtra Government's decision to rename the Marathwada University sparked off violent disturbances throughout the state in 1978.

been tried with the volume of crime as a dependent variable on the basis of a cross-section analysis across the States for the year 1971. The data in respect of the nineteen States for which it was available readily is given in Appendix II.

In the resultant regression equation, most of the explanatory variables display correct signs according to the hypothesis. The equation in its final form is :

$$Y = 19.1971 + 2.56166^* X_1 - 1.22978 X_2 - 0.208340 X_3 \\ + 5.16478 X_4 + 1.23934 X_5 \quad (R^2 = 0.878)$$

Where Y = Volume of crime per million :

$X_1$  = Population Density;

$X_2$  = *Per Capita* Income;

$X_3$  = Literacy Rate;

$X_4$  = Unemployment; and

$X_5$  = Percentage of scheduled castes and tribes.

\*Significant at 5 per cent level of confidence.

*Per capita* income and literacy have apparently an inverse relation with crime, suggesting broadly that as income levels and literacy rise, crime tends to decrease. The hypothesis is supported to the extent that the bulk of reported crime can be traced to the economically deprived sections and the illiterate on whom the full impact of law-enforcement is felt. It does not necessarily absolve the affluent and the literate from criminality which may assume more subtle forms which do not form part of the Penal Code and also have the capacity to defy conventional law-enforcement. On the other hand, unemployment has a significantly positive correlation with crime, followed by population density. Although not very significant, the percentage of scheduled castes and tribes, appears to have some positive relationship. The marginal significance of this factor can be ascribed to the fairly uniform proportion of this segment in all States. With  $R^2$  at 0.878, the relationship between the major socio-economic variables holds good for nearly 87 per cent of crime under the Indian Penal Code and establishes unemployment as the most significant criminogenic factor.

#### INTRA-STATE PATTERNS

The foregoing are the broad general trends at the national level across the States. It may be more useful to examine the phenomenon closely in the local settings to determine the variants and the variables and understand their significance. An attempt in this direction has been made with reference to Rajasthan.

The State of Rajasthan provides a typical example of economic imbalances among the various districts of a single State. Situated in the Western and the North-Western regions of the country and with a long frontier with Pakistan, it touches a number of States whose influence is appreciable. The Aravali mountain range is the dominant geographical feature of this land-locked State and cuts it into distinct geographical areas—the semi-arid land and desert in the West and a comparatively more fertile eastern region blessed with higher rainfall and adequate irrigation facilities. Sparsely populated, under-developed and handicapped by a feudal tradition, the State which was formed through the integration and merger of a number of princely States with divergent levels of administrative efficiency and organization, displays wide disparities in socio-cultural attributes and economy which are reflected in its 26 districts.

It is only from 1971 that the Government of India began to collect and publish districtwise data of crime. It coincided fortuitously with the census year when statistical information of sociological and political import was also collected in respect of each district. For the first time, a brief survey of the economic, political and social dimensions of district data was attempted by two scholars through factor analysis. Crime was, however, not considered in this analysis which was based on 25 structural indicators and the principal object of which was to “identify a relatively small number of fundamental ways in which districts differ amongst themselves”.<sup>19</sup> The indicators were selected on the basis of their intrinsic interest and relevance and possession of “representative balance among geographic, economic, political and social variables” and were arranged under four broad categories, *viz.*, the geographic and economic base, agricultural development, political participation and social patterns. They included such variables as climatic factors, transportation, employment, features of agricultural and industrial development, political affinities, institutional and social service expenditure, literacy and other demographic features.

The great merit of factor analysis is its capacity to “reduce the original number of explanatory variables to a smaller set of independent ‘factors’ in terms of which the whole set of variables can be understood.”<sup>20</sup> The development of these factors is in its essence, the formation of clusters of variables which are closely inter-correlated and as far as possible independent of the variables which are associated with other factors. Factor analysis thus provides “a simpler, more

<sup>19</sup>John Adams and Balu Bomb, “The Economic, Political and Social Dimensions of an Indian State”, *Development Policy and Administration Review*, Vol. 1, No. 1, 1975.

<sup>20</sup>Irma Adelman and Cynthia Taft Morris, *Society, Politics and Economic Growth*, John Hopkins University Press, Baltimore, 1967.

compact explanation of the regularities apparent in the original phenomenon. By contrast with regression analysis, which is a study of dependence, factor analysis is a study of mutual inter-dependence, since all the variables are dependent and inter-dependent in turn."<sup>21</sup>

The salient dimensions of the four factors are ; (1) Urban growth ; (2) Agricultural development ; (3) Political participation ; and (4) Ecological pattern. Taken together, the four factors account for about 70 per cent of the total variance. It was also noticed that none of the factors could be considered as exclusively economic, political, social or geographic. It was aptly concluded ; "A district might be relatively highly urbanized, for instance, but score low (or high) on any other scales. Whether one is interested in promoting economic growth, political integration or social reform, strategies and programmes that take into account the existing variance as well as the similarities in local characteristic will be required."<sup>22</sup>

On the basis of factor loadings for each variable in a cluster, the correlation matrix and the normalized original values of all variables in a district, a consolidated statement of the crime rates of districts in relation to factor scores is prepared—Appendix III.

In an attempt to relate crime to the factor scores the following regression equation was estimated :

$$Y = a + b_1 F_1 + b_2 F_2 + b_3 F_3 + b_4 F_4$$

where Y is the volume of crime per hundred thousand population and  $F_1$ ,  $F_2$ ,  $F_3$  and  $F_4$  are factor scores relating to urbanization, agricultural development, political participation and ecological base respectively.

The fitted equation is :

$$Y = 1.33455 + 0.2906 F_1 + 0.346874 F_2^* \\ + 0.155477 F_3 + 0.404554 F_4 \\ (R^2 = 0.48)$$

The analysis which covers about 48 per cent of the phenomenon has ruled out political participation (gauged in terms of voting patterns only) as a significant factor in criminogenesis. On the other hand, the analysis brings out that the development process in terms of urbanisation and agricultural development have shown a positive relation with criminality at 90 and 95 per cent level of confidence respectively. The ecological base and related characteristics have also shown a positive relation. Since all the factors are closely related to the development process one can say that development brings in its wake more crime inevitably.

The rapid strides of development and its impact on the crime

<sup>21</sup>Irma Adeloman and Cynthia Taft Morris, *op. cit.*

<sup>22</sup>John Adams and Balu Bomb, *op. cit.*

pattern of the State are represented in Figs. 10 and 11. In 1971,

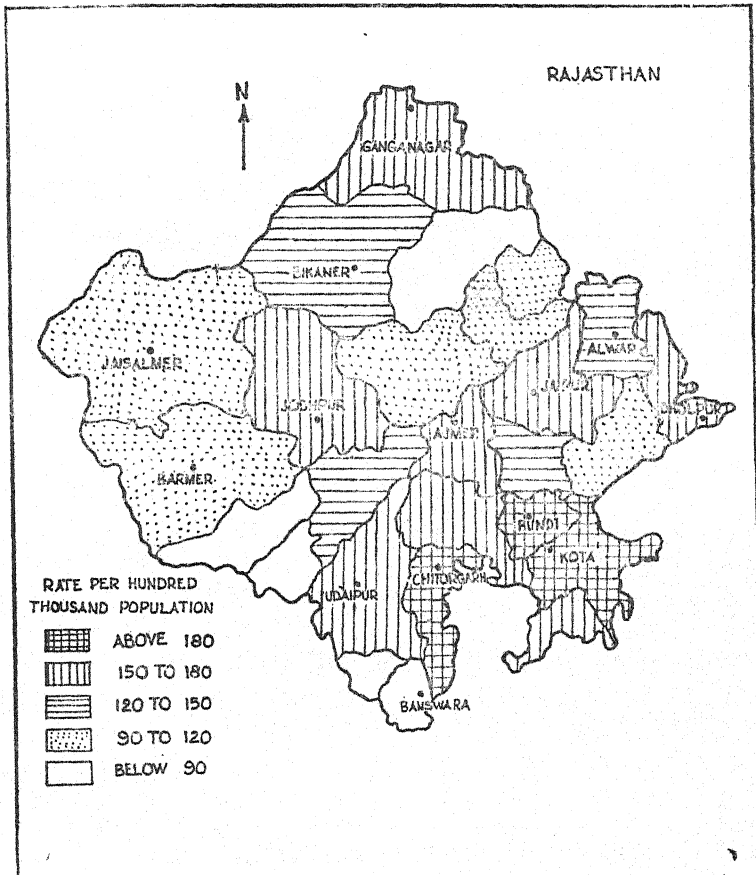


Fig. 10 Districtwise Distribution of Crime, 1971

when the national crime rate was 173.6, Rajasthan was much below it (142). The high crime districts were Kota (199.3), Chittorgarh (195.6) and Bundi (186.6). All the three districts, lying in the eastern region witnessed considerable agricultural and industrial development. In the spell of three years, we notice a remarkable change. The State's overall crime rate had risen to 184, in conformity with the general increase in crime, the national rate have gone up to 203. The high crime area had spread and particularly to Jaipur which records a volume of crime above 400. Although half the crime in the district is recorded in the city of Jaipur, there has been a corresponding increase in the surrounding region as well. The pattern remains more or less

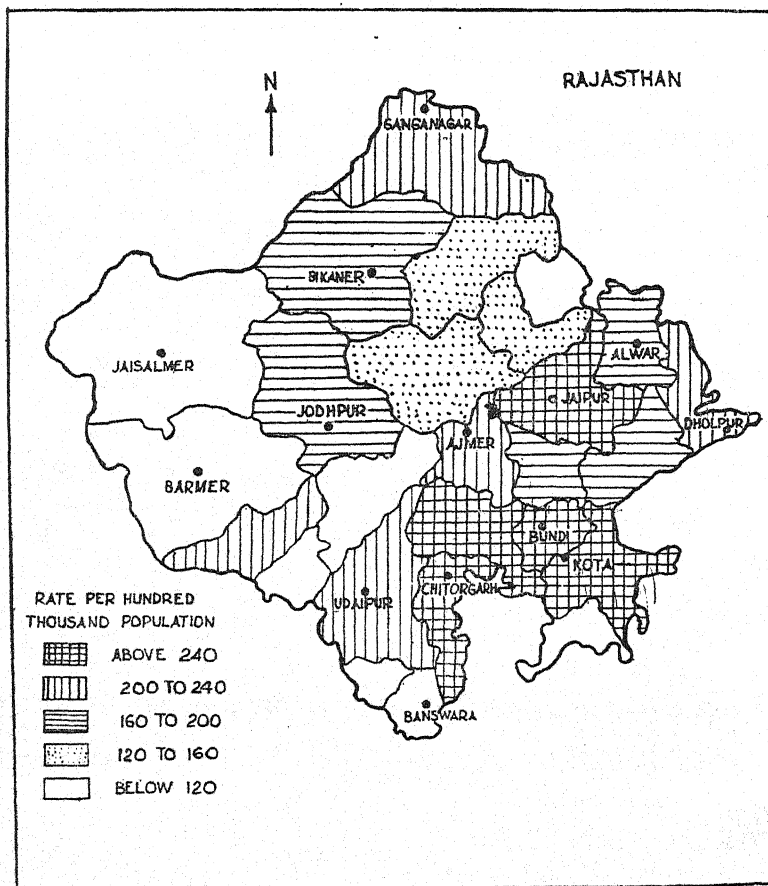


Fig. 11 Districtwise Distribution of Crime, 1974

the same except that Jalore which had reported one of the lowest crime rates moved towards higher criminality. The western region, sparsely populated, and arid is slowly turning green, and the remarkable development which accrued in Ganganagar in the North due to the Bakhra-Nangal canal irrigation scheme is likely to be repeated in some districts in the West. The schematic diagrams drawn at corresponding levels of reported crime maintain the general pattern of linkage with development. The crime rates of districts for the year 1974 have been roughly worked out with reference to the general population growth of 8 per cent during the period.

In conclusion, spatial variations of crime reflect the cultural factors as well as the level of economic development. If we take a narrow view of crime within the framework of the penal code designed more

than a century ago, much of the traditional crime has a strong positive correlation with unemployment, even on the basis of limited statistics that we have. Unemployment, much more extensive than what the official reports indicate, is an acute form of deprivation and will contribute to crime in no small measure despite the level of development that may be reached. As for the relevance and interplay of other socio-economic factors, one must be cautious and make a distinction between association and causation. Despite the sophisticated techniques of statistical analysis, we are far from determining a relationship between the various socio-economic variables and crime, and in what precise manner they interact with each other and with what degree of intensity. The regional variations can be partly ascribed to ecological and cultural factors, but the changing environment brought through development is bound to increase deviance and crime. □

## FIVE

# URBAN PATTERNS

TO Gandhiji, "the blood of the villages was the cement with which the edifice of the cities is built."<sup>1</sup> Yet, urbanization is an integral part of the process of development. While in 1951 there were only 76 cities with a population of one hundred thousand or more, their number rose to 151 two decades later. Nearly half of the total urban population of 109 millions (1971) was living within them and, of these, eight cities with a population of more than one million accounted for 20.67 millions.<sup>2</sup>

Some of the Indian cities like Delhi, Varanasi, Patna and Madurai have deep roots in history. Some have developed as commercial centres during the Muslim rule and blossomed into political capitals like Hyderabad, Lucknow, Bhopal and Ahmedabad. Some began as modest trading settlements of the East India Company and have grown into mammoth cities like Calcutta, Bombay and Madras. There are large railway towns like Jhansi, Mughal Serai, Vijayawada, Tiruchirappalli, Kharagpur and Jamalpur; religious centres attracting constant streams of pilgrims as Hardwar, Allahabad, Gaya, Varanasi, Ajmer, Kanchipuram and Tirupati; tourist centres as Agra, Aurangabad, Srinagar, Goa, Jaipur; and hill resorts like Simla, Darjeeling and Nainital. The disposition of the army during the British rule contributed to the growth of cantonment towns with typical cultural nuances contingent to army life, examples of which are Bangalore, Ambala, Meerut, Jabalpur, Secunderabad, Agra, etc. While modern industry initially tended to be concentrated in metropolitan cities, new industrial cities have emerged in the last few decades. To this category belong Jamshedpur, Durgapur, Bhilai, Ranchi, Sindri, Sholapur, Coimbatore, Kanpur, Visakhapatnam

<sup>1</sup>B.N. Ganguly, *Gandhi's Social Philosophy*, Vikas Publishing House, Delhi, 1973.

<sup>2</sup>*Statistical Abstract: India 1974*, Central Statistical Organization, Ministry of Planning, Government of India, New Delhi, 1975.

and Cochin. New cities and satellite towns have also been built as a result of political and population pressures, typical examples of which are Chandigarh and Bhubaneswar. The population of all the cities is continuously increasing as a part of the total phenomenon, but it cannot be said that the growth is identical to that of the industrial cities of the West, although a number of factors relating to industrialization, trade and commerce, political power and the 'pull and push' factors operating in the rural hinterlands have contributed to their present status. While examining the trends of crime in cities, it is, therefore, necessary to view them in their specific ecological settings, since cities with distinct cultural traditions and occupational leanings reflect divergent attitudinal responses as there is a limit to the modifications we can make in their structure and cultural characteristics.<sup>3</sup>

Earlier, it was roughly estimated that the urban community, constituting a mere one-fifth of the total population contributes more than half of the crime in the country. From this, one may be tempted to view crime as an overwhelmingly urban phenomenon—an assumption which appears to have statistical rationality. It is, however, subject to two major reservations, *viz.*, the statistics of rural crime are not truly representative, and there is nothing remarkably different in the structure of urban and rural poverty in India.

Notwithstanding the spread, urbanization is perhaps not as alarming as it is made out usually. According to one projection, the country's population is likely to rise from 547.8 millions (1971) to about 945 millions by the end of the century of which the urban content may be of the order of 41.2 per cent.<sup>4</sup> There are no reasons to believe that the increase in urban population will be confined to the existing cities only. The process will cover satellite towns and new cities which will emerge in the course of development. According to Bebout and Popenoe, "as factories move into the fields and fields come more and more to be managed like factories, traditional ideas about the distinction between urban and rural becomes less and less relevant to reality."<sup>5</sup>

This is not to minimize the gigantic growth of population in India which will be reflected inevitably in urban growth. The ancient cities were centres of political power and depended primarily on the rich agricultural hinterlands. The modern city, linked to industry, intensifies wholesale migration from the rural areas on account of its employment potential. It is often said that criminality is low in societies

<sup>3</sup>Robert E. Park, E.W. Burgess and R.D. Mackenzie, *The City*, The University of Chicago Press, Chicago, 1925.

<sup>4</sup>S. Raghavachari, "Population Projections, 1947-2001", in *Population in India's Development*, (ed.) A. Bose, Vikas Publishing House, Delhi 1974.

<sup>5</sup>J.E. Bebout and D. Popenoe, "America as an Urban Society", in *Crime in the City*, (ed.) Daniel Glasser, Harper and Row Inc., New York, 1970.

which are relatively isolated and with "little mobility of population, little change, homogeneity in race and culture, little institutional disorganization, minimum differentiation in class and social groups".<sup>6</sup> These qualitative determinants apply *in toto* to primitive tribal societies and offer a convincing explanation for the wide disparity between the crime rates in rural and urban settings. In the latter, accentuated criminality has to be anticipated by virtue of the very opposite conditions—exposure to external stimuli, heterogeneity, anonymity, acute differentiation, clash of divergent normative systems and lack of social control.

Before undertaking a comparison of the crime rates in Indian cities, an important factor which is relevant to the quality of criminal statistics needs to be considered. Normally, crime rates are determined on the basis of volume, *i.e.*, the number of offences reported in proportion to the population of a specific geographical area. There is a possibility of distortion of crime rates in cities because the population of any city at a given point of time may not truly represent the number of potential offenders or their victims. Every city has an indeterminate floating population drawn from its suburbs and peripheral areas. In calculating the crime rates in relation to actual census data, the contribution of the surrounding territorial subsidiaries is not taken into account, which enhances the element of unreliability in measurement of crime. The argument can be extended further to say that even if the 'floating' population can be counted, the time spent by it in the territorial limits of the city is no less important. It is on this premise that Gibbs and Erickson contend that the high crime rates in some cities may merely reflect their ecological characteristics<sup>7</sup>.

In 1971, the eight metropolitan cities with a population of more than a million and a total population of 20.7 millions reported nearly one-tenth of the cognizable crime under the Indian Penal Code in the entire country<sup>8</sup>. Table 1 indicates that the trend has been quite consistent in relation to total incidence.

Although the metropolitan crime rates are very high compared to the national and regional rates, the cultural traits of the region in which they are located have some influence on them.

Ahmedabad and Hyderabad have consistently reported low rates of crime in consonance with the corresponding state rates (Table 2).

<sup>6</sup>Walter Reckless, *The Crime Problem*, Appleton Century Crofts, New York, 1961.

<sup>7</sup>J.P. Gibbs and M.L. Erickson, "Crime Rates in American Cities in an Ecological Context", *American Journal of Sociology*, Vol. 82, No. 3, November, 1976.

<sup>8</sup>The eight metropolitan cities are : 1. Calcutta. 2. Bombay; 3. Delhi; 4. Madras; 5. Hyderabad; 6. Bangalore; 7. Kanpur; and 8. Ahmedabad. Pune has also crossed the one-million mark, but does not figure as a metropolitan city in official criminal statistics.

Kanpur which crossed the one million population mark in 1971 and Delhi had consistently recorded high rates of crime while the highly urbanized Bombay and Calcutta display a trend of stabilization and decrease. The most spectacular increases have been recorded by Bangalore. Table 3 illustrates the point.

TABLE 1 TOTAL COGNIZABLE CRIME IN INDIA AND METROPOLITAN CITIES (1971-77)

<i>Year</i>	<i>Total Cogni- zable Crime in India</i>	<i>Crime in Metropolitan cities</i>	<i>Percentage</i>
1971	9,52,582	95,589	10.03
1972	9,84,773	1,03,792	10.53
1973	10,77,181	1,19,345	11.07
1974	11,92,277	1,26,708	10.62
1975	11,60,520	1,19,530	10.21
1976	10,93,891	1,10,907	10.0
1977	12,67,004	1,43,336	11.2

TABLE 2 CRIME RATES OF METROPOLITAN CITIES AND THE STATES, 1974

<i>City</i>	<i>Pop. in millions*</i>	<i>Crime Rate</i>	<i>States</i>	<i>Crime Rate</i>
Ahmedabad	1.78	370.1	Gujarat	193.1
Bangalore	1.71	622.8	Karnataka	156.8
Bombay	6.82	498.4	Maharashtra	267.0
Calcutta	3.22	368.1	West Bengal	181.8
Delhi	4.29	752.4	—	—
Hyderabad	1.83	272.3	Andhra Pradesh	120.1
Kanpur	1.27	708.3	Uttar Pradesh	261.9
Madras	2.81	613.5	Tamil Nadu	182.1

\*Estimated mid-year population.

SOURCE : *Crime in India*.

During the decade 1961-71, five metropolitan cities showed a spectacular decrease in crime rates while the remaining three, viz., Kanpur, Delhi and Bangalore reported steep increases (Table 3). The differential rates are inexplicable in the face of rapid growth of population and a uniform rise of crime level in the country as a whole, and have to be attributed to the erratic nature of criminal statistics.

The fall in crime registered in Ahmedabad and Calcutta is incongruous in relation to the growth of population (Table 4). Although there was considerable increase in the incidence of crime in Bombay,

TABLE 3 METROPOLITAN CRIME TRENDS

City	Crime Rate			
	1961	1971	1974	1977
Ahmedabad	298.8	175.6	370.1	373.6
Bangalore	475.6	541.8	622.8	1183.8
Bombay	467.4	419.8	498.4	484.4
Calcutta	483.9	346.5	368.1	381.1
Delhi	425.9	738.5	752.4	692.5
Hyderabad	247.1	211.3	272.3	290.5
Kanpur	402.0	757.6	708.3	561.7
Madras	329.6	227.3	613.5	583.0

SOURCE : *Crime in India*.

TABLE 4 METROPOLITAN CITIES : CRIME AND POPULATION

City	Population in millions			Crime		
	1961	1971	Per cent increase	1961	1971	Per cent variation
Ahmedabad	1.4	1.58	37.8	3,436	3,060	— 10.9
Bangalore	.90	1.54	69.7	4,317	8,961	107.5
Bombay	4.14	5.97	44.0	19,379	25,066	29.3
Calcutta	2.92	3.14	7.6	14,161	10,911	— 22.96
Delhi	2.34	3.28	40.26	9,933	26,933	169.78
Hyderabad	1.20	1.60	33.68	2,971	3,794	+ 27.7
Kanpur	.94	1.15	21.8	3,910	9,659	147.0
Madras	1.72	2.46	43.14	5,686	7,205	26.7

the population growth was so large that the crime rate actually fell. On the other hand, Kanpur, Delhi and Bangalore registered enormous increase in crime outpacing the growth of population. The highest population growth occurred in the city of Bangalore (69.7 per cent) which contributed to an increase in crime by 107 per cent. Both Kanpur and Delhi registered enormous increases in crime and the trend is maintained in the subsequent years (Table 5).

Although all the cities except Kanpur have displayed a consistent rise in crime in relation to population, the growth was most spectacular in respect of Ahmedabad and Madras. Even so, Ahmedabad and Hyderabad continue to be inhibited by the regional restraints and display low rates of crime compared to cities of similar size in other areas. The trend of rising crime which commenced in 1971 and continued uninterrupted till 1974 was broken in 1975 and 1976. The provisional figures of reported crime during these eventful years are furnished in Table 6.

The statistics clearly demonstrate that the climate of fear engendered by the imposition of internal Emergency in June 1975 had an

TABLE 5 POPULATION AND CRIME IN METROPOLITAN CITIES (1971-74)

City	Population in Million		Increase per cent	Crime		Increase per cent
	1971	1974		1971	1974	
Ahmedabad	1.58	1.78	12.65	3,060	6,588	115.29
Bangalore	1.54	1.71	11.03	8,961	10,688	19.27
Bombay	5.97	6.82	14.23	25,066	33,992	35.60
Calcutta	3.14	3.22	2.54	10,911	11,874	8.82
Delhi	3.28	4.29	30.79	26,933	32,307	19.95
Hyderabad	1.60	1.83	14.37	3,794	4,799	26.48
Kanpur	1.15	1.27	10.43	9,659	9,003	6.80
Madras	2.46	2.81	14.22	7,205	17,257	139.51

NOTE : The population figures for 1974 are mid-year estimates.

TABLE 6 INCIDENCE OF CRIME IN METROPOLITAN CITIES : 1974-77

City	Total Cognizable Crime (IPC)			
	1974	1975	1976	1977
Ahmedabad	6,588	5,235	5,781	7,323
Bangalore	10,688	9,338	11,447	20,751
Bombay	33,992	33,360	25,403	36,066
Calcutta	11,874	11,769	12,321	12,577
Delhi	32,307	27,191	21,596	33,865
Hyderabad	4,999	5,639	6,552	5,955
Kanpur	9,003	14,119	8,166	7,752
Madras	17,257	11,455	11,362	18,247
Total	1,26,708	1,18,106	1,02,620	1,43,336

appreciable impact upon crime in some cities. Taking the metropolitan cities as a whole, the reduction in crime was to the tune of 18.2 per cent of the incidence of crime in 1974. The decrease was most emphatic in Delhi, Bombay, Madras and Kanpur. The distinct reduction in crime and violence during the emergency is easily explained since there was full scale recourse to preventive detention, suspension of due processes of law and prohibition of all forms of protest. Nevertheless, it would be difficult to assess the quantum of actual reduction since a good part of it might be as much due to selective registration by the police who were vying with each other to demonstrate that decrease in crime and violence was one of the beneficent results of the emergency. With the lifting of the emergency and restoration of democratic freedoms, the pendulum appears to have swung to the other extreme in 1977.

Leaving aside the fluctuations arising from exterior pressures, differences among the metropolitan crime rates raise some important issues. The President's Commission on Law Enforcement and Administration of Justice in U.S.A. was intrigued by the differential rates of criminality in American cities and observed:

...Some of the difference, perhaps a great deal, seems clearly attributable to differences in reporting. The few studies that have been done in this area have failed altogether to account for the difference in offence rates...These studies suggest that whatever factors are operating affect personal and property crimes differently, and substantially refute the idea that crime rate variations can be accounted for by any single factor such as urbanization, industrialization, or standard of living.<sup>9</sup>

One cannot but be struck by the fact that some of the differences must be necessarily ascribed to the quality of law enforcement which is reflected in the professional attitudes towards registration of crime. At the same time, it would be short-sighted to impute the differences only to this aspect. The differences arise from other factors, most prominent of which are the traditional and cultural features of the ecological setting in which the city continues to grow.

Although it is accepted that city crime rates are considerably higher than the national rate and they are dependent on the population size of the city as shown in Table 7, there is need for some caution in coming to a general conclusion as the following Table in which the crime rates for different city populations are shown.

TABLE 7 VOLUME OF CRIME IN CITIES AND POPULATION SIZE, 1971

<i>Population size</i>	<i>Number of cities</i>	<i>Total Popu. in millions</i>	<i>Incidence of crime</i>	<i>Crime rate</i>
Above one million	8	20.76	95,581	460.44
Between 9-10 lakhs	—	—	—	—
8-9 lakhs	2	1.72	10,606	616.6
7-8 „	1	.74	8,558	1,156.5
6-7 „	1	.61	1,964	321.9
5-6 „	4	2.26	13,314	589.1
4-5 „	7	3.14	20,798	662.3
3-4 „	13	4.54	15,296	336.9
2-3 „	15	3.76	25,273	672.1
1-2 „	45	6.79	47,375	697.7

<sup>9</sup>President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society*, Avon Books, New York, 1968.

Table 7 does not establish that crime rates in cities are directly proportionate to the population size. For 67 cities (including metropolitan cities) with a population more than a hundred thousand, a simple correlation was calculated between population size and volume of crime. The resulting coefficient is negative ( $-0.38$ ). For the year 1974, Karl Pearson's coefficient worked out on the basis of data for 53 cities (excluding the metropolitan cities) is .08 projecting a paradoxical finding that crime rates in Indian cities have not established a definite relationship with population, a result which is in total contradiction to that of Keith Harris in regard to the American cities.<sup>10</sup> While the bigger cities appear to have reached a saturation point both in regard to population and crime, the intermediate cities which are in the process of growth display higher crime rates. One of the explanations for the phenomenon could be that it is not the population size alone which determines the crime rate, but the rate of growth of population and the ecological background of the city. The erratic fluctuations are intrinsic partly to the socio-economic structure of the cities and partly to the arbitrary policies of registration of crime.

One of the areas on which criminological studies have been concentrated over a long period in a number of countries relates to city patterns. Summing up the results drawn from a number of such studies Harris observes:

Although some underlying crime distributions such as central area concentrations—are often replicated, each city does have a more or less unique arrangement of land uses, social groups, and economic conditions, as well as a unique cultural heritage. The interaction among these and other related factors produces a spatial distribution of crime that may or may not be typical of the pattern existing in the average city.<sup>11</sup>

Before examining the patterns of crime distribution in a few Indian cities, it is necessary to touch briefly on the extensive research that has been conducted abroad. The classic studies of Shah and McKay in Chicago brought out that the highest concentration of juvenile delinquency and adult criminality was in the central business district which decreased as the distance from the industrial nucleus increased. Calculating the crime rates on the basis of zones and radial gradients from the central loop, they found that high crime rates were associated with the degree of physical dilapidation of the area. In a subsequent elaboration Shah and McKay not only confirmed the earlier thesis, but laid

<sup>10</sup>Keith D. Harris, *The Geography of Crime and Justice*, McGraw-Hill Inc. New York, 1974.

<sup>11</sup>*Ibid.*

due stress on the correlation of low economic status (as represented in the type of residence) with crime and suggested that the latter is a 'rational' response to the social conditions. Another important finding was that rapid population increases contributed to substantial increases in crime in the initial stages due to lack of preparedness of the incoming population to adjust themselves to the new environment, a situation which tended to stabilize itself over a length of time.<sup>12</sup> In a study of violent crime in London, McClintock found higher incidence in what he describes as 'depressed areas' needing urban renewal and in areas near and surrounding the railroad terminals. The crime gradients noticed by Shah and McKay in a number of American cities were not significantly noticeable.<sup>13</sup> On the other hand, Wallis and Maliphant noticed a strong relationship between land-use and delinquency in the industrial regions of London and not surprisingly, observed a positive correlation between air pollution and delinquency.<sup>14</sup> Among the recent studies of intra-urban patterns of crime, particular mention must be made of the study of Morris in Croydon in which he noticed that the findings of the Chicago school were not valid in towns whose development did not follow a zonal pattern.<sup>15</sup>

Morris found that while the central business district is an area of attraction for crime by virtue of the opportunities it presents, no causal relationship exists between physical deterioration of an area and crime as planned housing areas were as prone to delinquency generation as slum areas.<sup>16</sup> Lamberts's study of Birmingham concerned itself with the areas occupied by heterogeneous immigrant population and revealed a high degree of coincidence between the residences of offenders and incidence of crime which was considerably high among the immigrant population.<sup>17</sup> In a similar study relating to Belgrade, Todorovitch noticed that the incidence of delinquency was not clustered round the business district and some of the high delinquency areas were noticeably high in immigrant population and ethnic diversity.<sup>18</sup> In Ibadan

<sup>12</sup>Clifford R. Shah *et al*, *Delinquency Areas*, University of Chicago Press, 1929. Also see by the same authors *Juvenile Delinquency and Urban Areas*, University of Chicago Press, Revised edition, Chicago, 1969.

<sup>13</sup>H.F.H. McClintock, *Crimes of Violence*, Macmillan & Company, London, 1963.

<sup>14</sup>C.P. Wallis and R. Maliphant, "Delinquent Areas in the County of London: Ecological Factors," *British Journal of Criminology*, No. 7, 1967.

<sup>15</sup>Terence Morris, *The Criminal Area: A Study in the Social Ecology*, Routledge and Kegan Paul, London, 1957.

<sup>16</sup>*Ibid*.

<sup>17</sup>J. R. Lambert, *Crime, Police and Race Relations: A study in Birmingham*, Oxford University Press, London, 1970.

<sup>18</sup>A. Todorovitch, "The Application of Ecological Models to the Study of Juvenile Delinquency in Belgrade", *International Review of Criminal Policy*, United Nations, No. 28, 1970.

(Nigeria), Anne Bamisaiye found "a conspicuous absence of the zonal pattern" reported by Shah and McKay. In fact, it was the outer area of artisan and white collar residences which showed some of the highest rates of criminality.<sup>19</sup> In another recent study of a developing town in the West Indies, it was noticed that while the downtown areas were traditionally known for higher rates of criminality, it had become also a local neighbourhood phenomenon due to population shifts.<sup>20</sup>

No major theoretical construct has emerged in regard to spatial dispersion of crime in urban conglomerations, although at one time the Chicago School finding that crime rates tended to diminish with increasing distance from city centres held some promise. The pattern of radial gradients of crime was typical of American cities. The applicability of these findings to older cities even in the West is now questioned, although the busy commercial and industrial areas, regardless of their location, maintain their position of high crime by virtue of the opportunities they present. As cities grow, there is continuous expansion of territorial limits encompassing a large number of suburban residential areas which become at once the centres of 'criminal attraction' due to low level of policing in the initial stages and opportunity proximation.

The Indian cities have not grown round the nucleus of industry; on the contrary, modern industry has added a new dimension to them in the peripheral areas which in due course merged in the city. While the congested areas of business activity maintain a high record of crime, there is a greater degree of dispersion in the suburban areas as an analysis of crime in a few selected cities suggests. The four cities selected are Delhi, Bombay, Hyderabad and Visakhapatnam. The first three are metropolitan cities with a population of more than a million and all have experienced a phenomenal growth of population in the last two decades. The fourth is a medium city which is in passing through rapid industrialization. Although neglected to some extent, the ecological approach cannot be ignored in the light of bewildering changes occurring within the narrow geographical limits of our cities, since, in the words of Hawley: "Life is a synthesis of organisation and environment. They form a partnership so intimate that they can be resolved only in theory."<sup>21</sup> Indeed, the nature and quality of man's social and cultural life are determined by the need for adjustment and adaptation

<sup>19</sup>A. Bamis Aiye, "The Spatial Distribution of Juvenile Delinquency and Adult Crime in the City of Ibadan", *International Journal of Criminology and Penology*, Vol. 2, No. 1, February, 1974.

<sup>20</sup>D J. Dodd and M. Parris, "An Urban Plantation : Socio-cultural Aspects of Crime and Delinquency in Georgetown, Guyana", *International Journal of Criminology and Penology*.

<sup>21</sup>A.W. Hawley, *Human Ecology*, New York, 1950.

in the increasingly complex relationship between him and his environment.

The last few decades have witnessed a remarkable change in the structure and growth of metropolitan cities. While the 'cores' of these cities have reached saturation levels, population accretions result in continuous extension of the urban areas. As observed in a recent study of Bombay, "the centrepetal tendencies which were in operation since a long time, have now been reversed and their place has been taken by a centrifugal movement of population and institutions from the centre to the periphery."<sup>22</sup> It would, however, be wrong to view the Indian business and commercial districts in the light of degenerate and blighted neighbourhoods. Despite congestion, they are throbbing centres of activity with continuous urban renewal and spiralling land prices. It would be wrong to view them as crime-breeding areas consequent on physical deterioration; on the contrary, their affluence, unceasing activity and congestion transform them into areas of attraction of crime by virtue of the immense opportunities they provide and the consensual demands of a heterogeneous population which spends considerable time in them.

#### DELHI

Till the early fifties, the capital city conformed to the patterns of population growth in other metropolitan cities. Since then, the increase in population has been extremely rapid, impelled in the first instance by waves of refugees in the throes of partition and subsequently by the overwhelming socio-economic changes and political developments. From a mere 1.4 millions in 1951, the population rose to 3.6 millions in the course of next two decades.<sup>23</sup> Although the initial projections estimated a population of five millions by the end of 1981, it was rightly anticipated by Asok Mitra that such predictions usually fall short of actualities.<sup>24</sup> There are clear indications that the five million mark has already been crossed, and the mid-year estimated population in 1977 is about 5.8 millions. Both as the political Capital of India and as a primate commercial and distribution centre for the entire northern region, Delhi's expansion has some perplexing as well as redeeming features.

The Union Territory of Delhi consists of an area of 573 square miles of which the urban agglomeration has been steadily increasing. In 1951, the urban area covered by the two Municipalities and the

<sup>22</sup>C. Rajagopalan, *The Greater Bombay*, Popular Book Depot, Bombay, 1962.

<sup>23</sup>K. Sivaramakrishnan, "Metro Cities and New Towns", in *India Since Independence*, (ed.), S. C. Dube, Vikas Publishing House, New Delhi, 1972, p. 359.

<sup>24</sup>Asok Mitra, *Delhi : Capital City*, Thomson Press, India, New Delhi, 1970.

Cantonment Board was 77.4 square miles. It has now expanded to 126 square miles covering a mushroom growth of residential colonies, moving farther and farther away from the core of the city. Some parts of Delhi are perhaps the most densely populated in the world. Darya Ganj, Connaught Circus and Roshan Ara have more than 45,000 per sq. km. Other equally congested areas are Subzi Mandi, Pahar Ganj, Karol Bagh, Sadar Bazar and Kotwali. Although Delhi has not attracted heavy industries—we must thank our planners for it—there has been considerable growth of small scale industries. While in 1953, there were only 590 factories with an average daily employment of 44,000, the corresponding figures for 1966 were 1403 and 76,300.<sup>25</sup> Since then, the rate of industrial growth has been impressive, but one redeeming feature of this growth is the dispersal of medium and heavy industries in the industrial belt which surrounds the city and lies in the states of Haryana and Uttar Pradesh. To this extent, the ecological situation of Delhi is significantly different from other metropolitan cities.

With the solitary exception of Kanpur, Delhi has consistently maintained one of the highest crime rates in the country, the high water mark having been reached in 1973 when the city reported the all-time high record of 799.0 per hundred thousand population (Table 8).

TABLE 8 CRIME IN DELHI, 1961-1977

<i>Year</i>	<i>Total Cognizable Crime</i>	<i>Crime Rate</i>	<i>National Crime Rate</i>
1961	9,983	425.9	143.1
1966	15,981	505.6	159.4
1971	26,933	738.5	173.3
1972	30,054	768.2	175.3
1973	32,722	799.0	187.8
1974	32,307	752.4	203.4
1975	28,571	554.9	193.4 *
1976	23,106	400.0	176.3
1977	38,560	692.5	202.5

\* Estimated on the basis of mid-year population.

SOURCE : Crime in India and Commissioner of Police, Delhi.

The high rates of crime in city concentrations is obvious, and writing in 1969, a sociologist observed : "The excess of crime in cities is, however, taken for granted more often than it is confirmed with

<sup>25</sup>V.K.R.V. Rao and P. B. Desai, *Greater Delhi : A Study in Urbanization*, 1940-57, Asia Publishing House, Bombay, 1965.

adequate evidence .... Although the excess of crime may be found in cities for total cognizable crime, this may or may not be true for all types of crime. Thus a large proportion of crime in the cities is said to be against property and in the country against person."<sup>26</sup> The total cognizable crime under the IPC covers both the categories of crime—against person and property, although at times it is difficult to clearly distinguish them. For example, while theft and housebreaking are essentially property offences, robbery and dacoity are mixed offences which involve personal violence. Even in homicide, a number of murders are for gain. The problem is closely connected with inter-correlation between various types of offences and the degree of suppression of crime in rural areas which have been discussed earlier.

During the present decade, there was undoubtedly a remarkable increase in crime in the city of Delhi, the artificial reduction noticed in 1975 and 1976 being accounted for by the imposition of the emergency. It cannot be considered as a part of the natural trend of crime which appears to have reasserted itself in the year 1977. Even so, there is some reduction in the rate of crime calculated on an *ad hoc* basis on the strength of rough estimates of population, the rate of crime in Delhi having fallen to about 600 per hundred thousand population from the high rate of 752.4 three years earlier. These statistics, it should be once again reiterated, are subject to highly arbitrary policies of registration, and there are grounds to believe that crime in the capital city has undergone a very steep increase in 1977 as Table 9 of actual incidence of reported crime indicates.

TABLE 9 COMPARATIVE STATEMENT OF CRIME IN DELHI, 1975-77

<i>Offence</i>	<i>1975</i>	<i>1976</i>	<i>1977</i>	<i>Per cent increase over 1975</i>
Murder	165	120	183	+10.90
Attempt to murder	184	113	203	+11.95
Dacoity	17	5	19	+11.76
Robbery including snatching	399	264	633	+58.64
Riots	148	38	147	— 0.68
Hurts	1,496	1,203	1,699	+13.56
Burglary	2,207	1,588	2,673	+21.11
Thefts	16,986	13,280	21,712	+27.82
Miscellaneous	6,970	6,495	8,584	+23.15

SOURCE : Commissioner of Police, Delhi.

<sup>26</sup>D. N. Dhanagare, "Urbanization and Crime", *Economic and Political Weekly*, July, 1969.

Despite the voluminous demographic literature on and in particular in relation to the process of urbanization, it is surprising that much attention has not been paid to the problems of crime and delinquency in Indian cities. In a small chapter of barely 25 pages on 'Delinquency and Crimes in Urban Areas' in a monumental treatise of 456 pages entitled *Urban Development in India* the following interesting observation is made :

How and under what circumstances the rate of crime is high in urban areas has to be explained but space does not permit discussing the reasons in detail. Anyhow, it has to be admitted that in urban areas the police force is responsible for checking the crimes. The people in urban areas do not fully cooperate and show the desired behaviour towards the police personnel.<sup>27</sup>

By and large, the observation that the percentage of the property crimes (despite definitional blurring) is higher in the cities is substantiated by Table 10 with particular reference to Delhi.

TABLE 10 CRIME COMPOSITION : OFFENCES AGAINST PROPERTY AND PERSON, 1974

Offence	Percentage of total Cognizable Crime Under IPC	
	Delhi	All India
Murder	.46	1.6
Dacoity and robbery	1.1	3.0
Burglary	8.8	16.8
Theft	60.8	36.6
Fraudulent Offences	4.0	3.3

It is in regard to thefts and fraudulent offence that Delhi brings out in clear-cut terms the urban-rural dichotomy. Inter-personal violence is impressively less. The increase in population did result in proliferation of slums, but there are no grounds to believe they have contributed to violence on a large scale. The main thrust of criminal activity in the city is on theft among the property offences—not even burglary. Fraudulent offences including cheating, and criminal breach of trust are also more prominent than in other parts of the country. This trend is in conformity with the growth of the city as a political capital and business and commercial centre. Crimes against person are more prominent in other cities whose growth is closely linked to intense

<sup>27</sup>R. K. Bharadwaj, *Urban Development in India*, National Publishing House, New Delhi, 1970.

industrialization.

However, an alarming feature, more prominent in Delhi than in other metropolitan cities is the increase in robberies, mostly involving unemployed youth. The number of robberies and snatchings have risen substantially from 399 in 1975 to 633 in 1977. The victims are usually south Indian women wearing expensive jewellery. The preponderance of thefts and robberies in preference to burglaries suggests the emergence of a new type of offender with little compunction about the use of force. The traditional housebreaker and thief did not believe in force and depended on his expertise.

Most thefts and robberies are opportunity-oriented and denote a significant change in the complexion of crime. In a study of security of banks undertaken in 1967 it was predicted rightly that there would be a considerable increase in bank robberies and hold-ups in the light of phenomenal expansion of banking and lack of elementary security. This has come true. Two other types of anti-social activity relate to traffic in artifacts and drugs for both of which Delhi acts as a distribution centre. Most art thefts from rich archaeological sites are inspired and planned in Delhi where a good clientele exists with international links. Delhi is also on the route of international drug traffic and although actual estimates are not available, there are reasons to believe that a fair proportion of the students in elite educational institutions are addicts. A recent survey confirms the predominant position of Delhi in this regard. And finally, Delhi sets the style in political and business corruption, since most of the unethical deals of politicians with business are carried out in its corridors of power. In some of the elitist residential colonies, the fabulous bungalows represent not only the life savings of honest men but also the fruits of administrative corruption and business amorality on a gigantic scale. As the seat of political power, Delhi represents the converging point of traditionality and modernity in criminal attitudes.

Delhi, as described in Mitra's evocative account may be a 'furnace of despair', but it is also 'history's choice'.<sup>28</sup> Its growth has been primarily determined by political development—not industrialization. The old city of the Mughals and Lutyens, New Delhi represent the past and the present. When millions of refugees, uprooted from their homes in West Pakistan poured in, it became a shelter for the homeless under extraordinary conditions of stress and tension. From this point of time, the city's development occurred through four core areas: one in the south was formed by Nizamuddin, Lajpat Nagar, South Extension including Defence Colony and Ansari Nagar, Lajpat Nagar, Kalkaji and the Sarvodaya Enclave almost extending right upto the Kutab

<sup>28</sup>Asok Mitra, *op. cit.*

Minar; in the west, the three Patel Nagars, Motinagar, Ramesh Nagar and Tilaknagar; in the east the city has extended beyond the Jamuna which at one time formed a natural city boundary. The recent developments and slum clearance programmes have created new enclaves in such colonies as Gandhi Nagar and Kalyanpuri. In the north, the original Kingsway Camp which housed thousands of hapless refugees extended right upto Timarpur and Narela, while the traditionally populous areas in the centre of the city like Chandni Chowk, Subzi-  
mandi, Sadar Bazar, Bara Hindu Rao, Pahar Ganj and Sarai Rohilla—names famous in history are filled to the 'bursting point'.

Denied vertical growth, the city has spread in all directions, and has created numerous problems of housing, transportation, sanitation and civic amenities. The police strength has risen marginally to about 14,000 in 1974, the force being inadequate both quantitatively and qualitatively to cope with the proliferating population and rising crime in the city. It was only in 1978 that the city police was reorganized under a Police Commissioner, a step which is in conformity with the system in other major metropolitan cities.

The highest concentration of crime is noticed in the business areas of Connaught Place and Tilak Marg. Connaught Place has the highest population density. The latter is less populous but consists of residential areas. It is noteworthy that crime is not of the highest order in the congested localities of the walled city except in Kotwali, Civil Lines and Roshan Ara, all the three having a crime rate of more than 1,000 per hundred thousand population as against a crime rate which is two to three times higher in the fashionable Connaught Place. A high crime rate is also noticeable in other business and shopping centres like Karol Bagh and Parliament Street. The newly developed colonies in general have low or very low rates of crime although in the initial phase of their development complaints of inadequate policing and absence of security were often heard due to the influence and vociferousness of the residents. The lowest crime incidence is reported from outlying areas like Narela and Kalyanpuri which are extensive in area and have low population concentrations.

The spatial distribution of crime (calculated on the basis of reported crime in individual police station jurisdictions) is projected in Fig. 1. It demonstrates in no uncertain terms that the areas of attraction of crime are the busy shopping and commercial centres and proximate residential areas and these are particular targets for property crimes. On the other hand, crimes against person are more prominent in the blighted and underdeveloped areas in which slums are located. Murders and hurts are more numerous in trans-Jamuna areas like Shahdara and Gandhi Nagar in the eastern sector and deeply congested and conflict-ridden areas like Sadar and Kingsway Camp in the northern

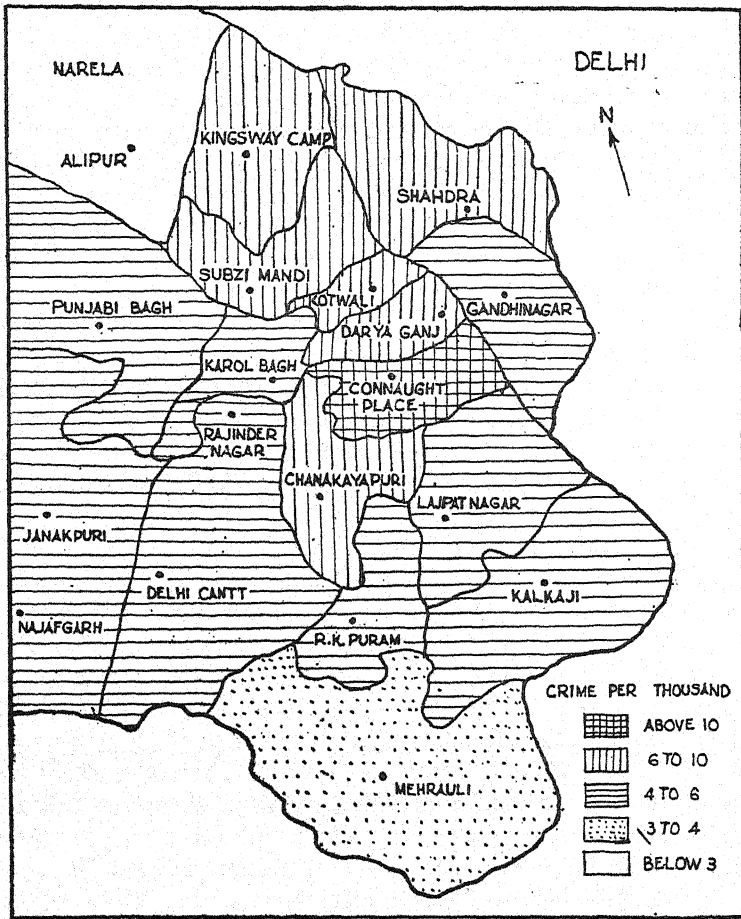


Fig. 1 Crime Distribution, 1977

section of the city. Subject to a few exceptions relating to the pockets of heavy crime, anti-social activity is evenly distributed throughout the city and it has not been possible to link it with the presence of slums. Till 1975, slums were located in almost all parts of the city, and their movement to other areas has had little or no effect on the crime situation. Slum clearance programmes as initiated and embarked upon in the years 1975-76 have not cured the socio-economic ills which trigger crime. If the pull and attraction are strong enough and the economic pressures are compelling, the criminal will travel long distances to commit crime.

## BOMBAY

Bombay, the 'gateway of India' is one of the leading cities in the country. Although relegated to the position of being the administrative capital of the State of Maharashtra, it continues to hold its position as the commercial, financial and industrial nerve centre of the whole country. Established as a trading centre and a strategic refuge from the constant incursions of rival colonial powers and roving Maratha pirates, the city grew around the nucleus located in the south of the island. Its growth during the course of the next three centuries followed a pattern dictated by its geographic contours, the possibilities of expansion being severely limited in a northward direction in the initial stages. However, during the last three decades, the city has grown transcending the northern limits, and in the present configuration, Greater Bombay, sprawls across the northern island of Salsette, and covers a total area of about 170 square miles, and an estimated population of more than seven millions. The expanding jurisdiction of the city police which coincides with the Municipal limits now stretches right upto the Bhayander creek in the north and the Thana creek in the east. The Bombay city limits have been successively expanded in 1950, 1957 and again in 1965. The southern tip of the island of Bombay and the adjoining areas, familiarly known as the Fort area is basically the principal business district and constitutes Zone I of the police jurisdiction. It slides into high-class residential districts of Malabar Hill, Colaba and Chowpatty and also covers the densely populated business-cum-residential areas of Pydhonie, Azad Maidan and Lamington Road. Zone II is really the geographical centre of the city in which major industries are located and covers some of the most congested areas—Byculla, Worli, Nagpada and Parel. Surrounding the industrial undertakings, there is a vast working class area which is again surrounded by residential areas. Leaving the Port which is constituted as a separate police zone to deal with pilferages and allied offences relating to shipping, the rest of Greater Bombay is divided into two major zones with the two suburban railway lines running from south to north providing rough boundaries. Both these zones are mixed areas with concentration of new industries (Chembur, Ghatkopar and Bhandup in the eastern sector) and the more fashionable residential areas of Bandra, Santa Cruz, Andheri and Versova on the western side. The incidence of crime under specific categories in the zones in 1971 and 1976 is given in Table 11. Figs. 2 and 3 indicate the distribution of property crime and offences involving personal violence.

The population of Greater Bombay, which was 4.1 millions in 1961 rose to 5.9 millions a decade later, representing a growth rate of 44 per cent as against the national urban growth rate of 38 per cent. It is

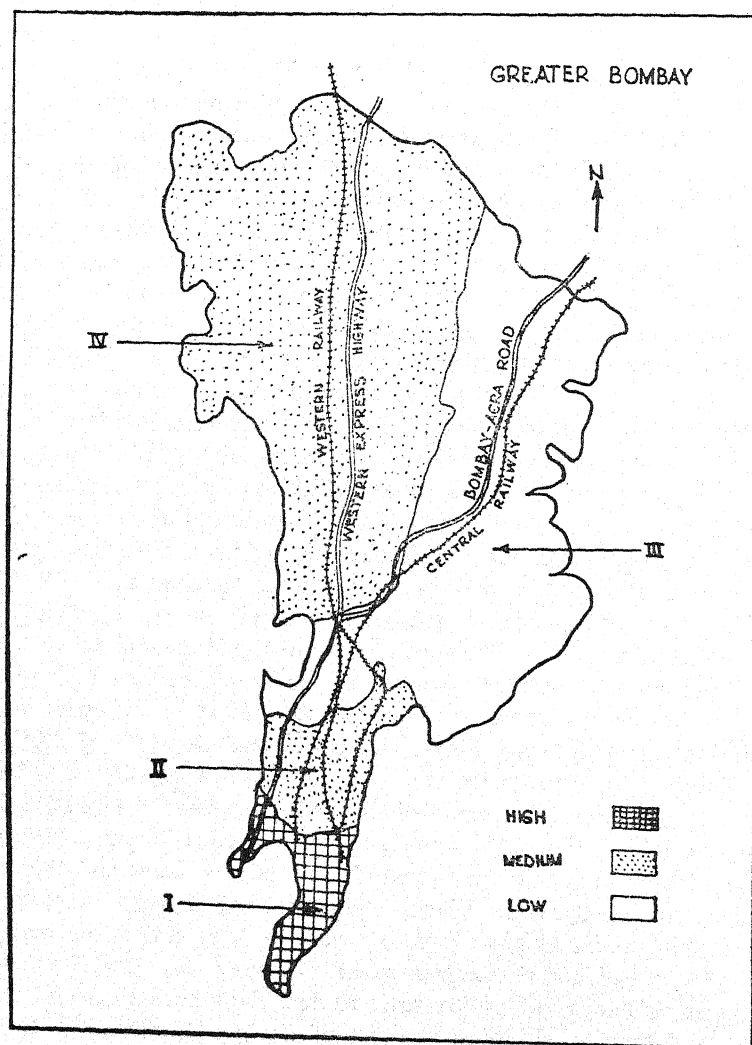


Fig. 2 Zonal Distribution of Property Crime

estimated that by the end of 1976, there was an accretion of about 1.18 millions making up a total of nearly seven millions. It must, however, be mentioned that the bulk of the population increase is largely confined to Zones II and IV while the increase in the core city (Zone I) is marginal. In Bombay, as in other metro cities, the *per capita* income is two or three times more than the national average—and so is crime. In fact, for the year 1971, the *per capita* income in Bombay

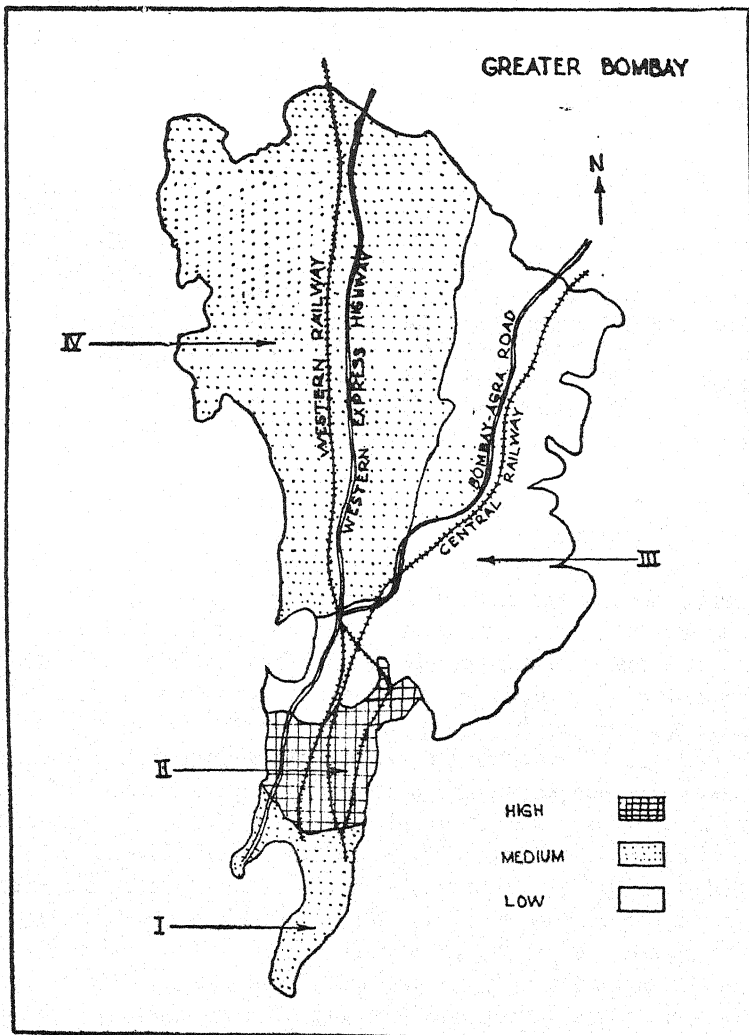


Fig. 3 Zonal Distribution of Offences Against Person

was Rs. 1,024 as against the State average of Rs. 388.<sup>29</sup> The average inhabitant in Bombay is much better off than his counterpart elsewhere, but it should not be permitted to cloak the gross inequities in income distribution, the high cost of living and the extraordinary conditions of stress under which the population lives. In 1961, the population density in metropolitan Bombay was 24,600 per square mile, the figure

<sup>29</sup>C. Rajagopalan, *op. cit.*

TABLE 11 INCIDENCE OF CRIME IN GREATER BOMBAY :  
1971 AND 1976

Offence	Zone I		Zone II		Zone III		Zone IV		Port	
	1971	1976	1971	1976	1971	1976	1971	1976	1971	1976
Murder	29	20	22	23	32	57	47	42	1	1
Dacoity	3	3	7	2	7	6	11	8	2	—
Robbery	37	46	43	39	72	47	49	63	2	2
Burglary	436	453	205	281	545	N.A.	605	947	18	27
Thefts	4,429	4,783	1,758	2,615	3,217	3,390	2,309	2,987	361	254
Pocketpicking	337	520	140	299	155	256	48	182	1	2
Hurt	595	568	655	805	1,030	1,230	729	1,605	37	29
Stabbing	92	69	124	206	2.9	216	200	208	4	2
Rioting	43	13	87	29	114	28	55	41	1	2

SOURCE : Commissioner of Police, Bombay.

increasing steeply to 45,600 for the core areas.<sup>30</sup> The position has considerably deteriorated during the last decade, displaying a tremendous shortage of housing and an increasing pressure on the existing households, the average number of persons occupying a single room being as much as six or seven. The magnitude of the housing problem in Greater Bombay can be gauged from a recent estimate that 21.2 per cent of all residential buildings are temporary structures and another 18 per cent can be appropriately described as slums with the result that even this deplorable quality of accommodation works out at 20 square feet per person as against the minimum standard of about 150 square feet among the developed societies.<sup>31</sup> The consequences of overcrowding, which is characteristic feature of all cities in India has been well described by Winnick: "Overcrowding has been assigned a major role in the etiology of a large number of social disorders ranging from the creation of slums to capital crimes. It is believed to be a factor in the incidence of many personal illnesses such as tuberculosis; in more recent years family conflicts and even the mal-formation of personality which leads to emotional and mental disturbance have been traced to the absence of sufficient privacy in the home."<sup>32</sup> Written in the context of American housing, its relevance to the more acute and constantly deteriorating situation presently in almost all cities in India is inescapable.

The population growth of Bombay has to be attributed to unprecedented expansion of industry, the foundations of which had been laid

<sup>30</sup>John Brush, "The Morphology of Indian Cities" in *India's Urban Future*, (ed.) Turner *et al*, University of California Press, Berkeley, 1962.

<sup>31</sup>C. Rajagopalan, *op. cit.*

<sup>32</sup>Louis Winnick, *The American Housing and its Use*, New York, 1957.

many decades ago centering mainly round the textile industry. The advent of freedom and the compulsions of development and modernization have encouraged diversified industrial growth. The major industrial area is located in Zone II and includes such highly populated and congested areas as Byculla, Worli, Sewri, Mazagaon, Lalbagh, Parel, Naigaum, Nagpada and Agripada. The important residential areas in the city are situated immediately to the south (Zone I) and to the north (Zones III and IV). In the last two decades, there was considerable dispersal of heavy industries in the northern area which now comprises both the Zones III and IV, with the attendant problems of increasing pollution, proliferating slums, transportation bottlenecks and uncontrolled migration from the rural sector. The spatial dispersion of crime in the city reflects the demographic pressures and developments which have serious impact on interpersonal and group tensions and the socio-economic conditions which affect the lifestyle of the vast population in a society with limited resources and dwindling opportunities of employment. In consequence, illegal and unethical means secure some amount of acceptance if not approval as ethical values tend to be eroded in the inexorable struggle for survival. The survival of the fittest is the law of the jungle—even if it is of cement and concrete. The intensification of anti-social behaviour and changes in the location of high crime areas are represented in Figs. 4 and 5.

The nature of the area determines the type of anti-social activity in relation to the opportunities available and created. In the thickly populated Zone I, the cluster of commercial centres and offices to which thousands of commuters are drawn by train and bus from all the fringe areas and suburbs, the crowds jostling with each other in frantic hurry, pocket-picking is the heaviest. The incidence of other categories of offences against property, particularly burglary and thefts are also heavy in this area which provides the greatest attraction to the criminal elements. On the other hand, crimes against the person which include murder, and stabbing (grievous hurt) are heavier in the fast developing third and fourth zones, which are subject to continuous accretion of migrants. Crime in the Port area which is very small compared to the other four major police jurisdictions is confined mainly to pilferages of goods in transshipment.

Contrary to expectations and the findings of the Chicago school, the main geographical centre of the city with its high population density and high degree of industrialization does not turn out to be the high criminal area. Some of the industrial areas and slum areas like Dharavi have consistently reported low crime rate.

The spatial location of traditional forms of crime is a simple matter compared to the organized activities of anti-social elements in other forms of deviance. With an estimated population of nearly seven

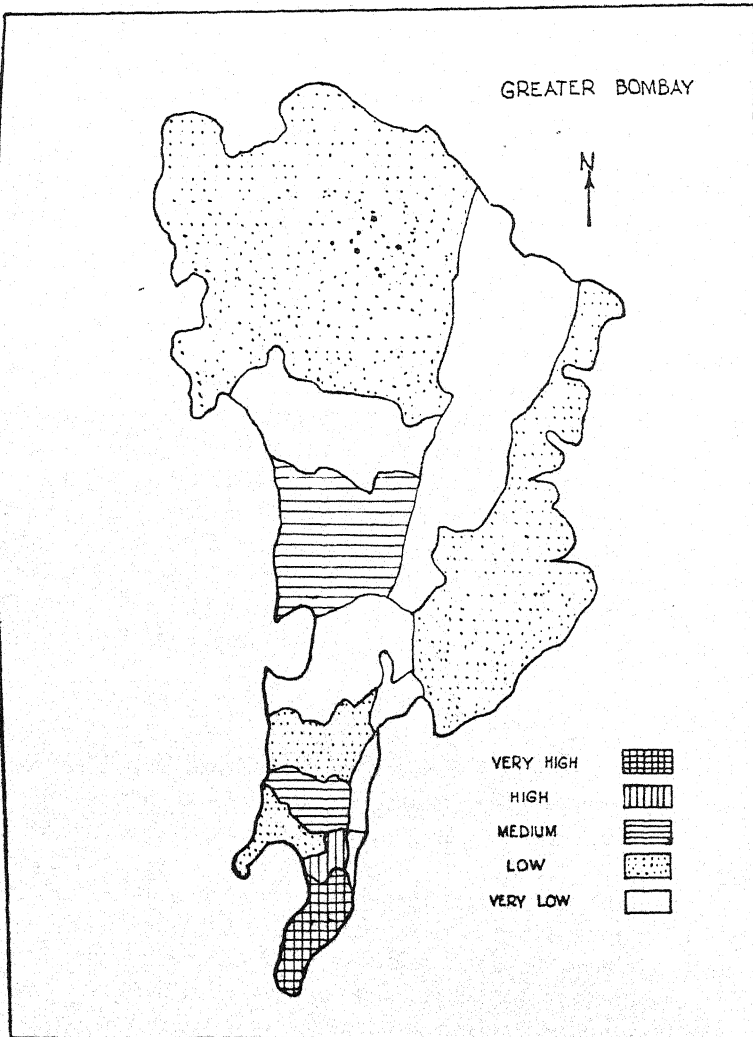


Fig. 4 Crime Distribution, 1971

millions in 1976, consensual crimes like prostitution, prohibition offences, gambling and drug traffic are more evenly spread. Much of narcotics traffic can be traced to the fashionable Colaba area in Zone I which has also a very high record of gambling. The volume of prohibition crime is considerably high in Zone III where opportunities for illicit distillation are more. Although the red light districts of Zone II are notorious, the evil is more widespread than the official statistics suggest. Indeed the extant legislation on the suppression of immoral traffic is ineffective and exits merely as a sop to Indian conscience. Bombay is also one of the

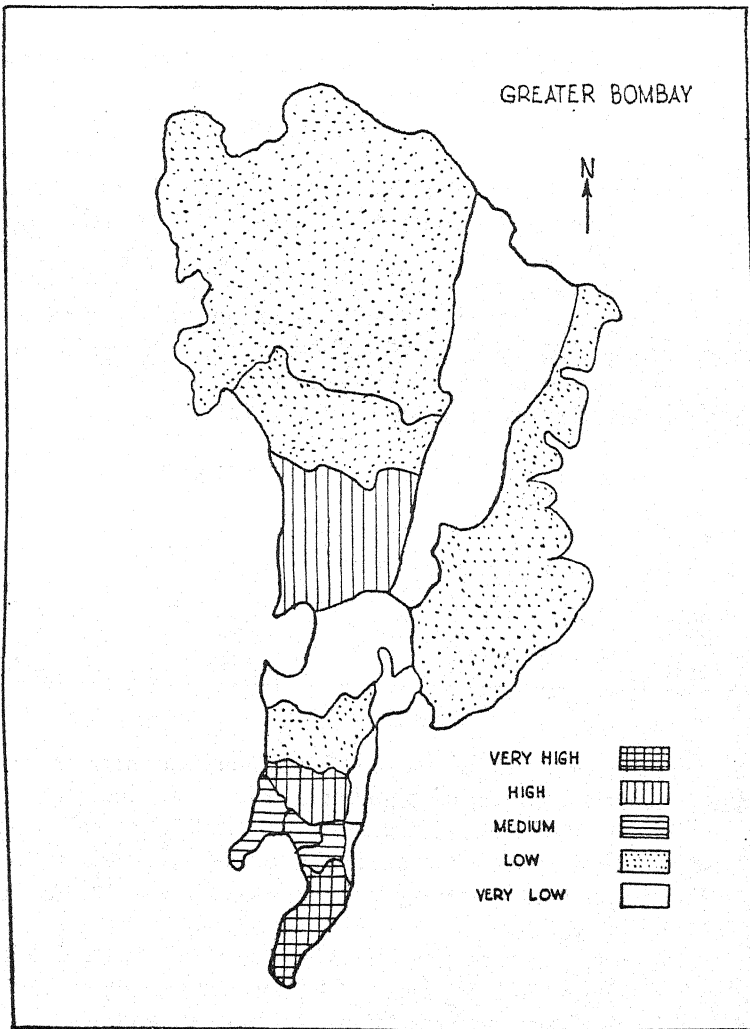


Fig. 5 Crime Distribution, 1975

primary centres of international smuggling and a thriving centre of manufacture of spurious drugs. The consensual nature of crime facilitates a high degree of organization, and we constantly hear stories of 'rags to riches' through them. The element of organization is not institutionalized, although it has taken firm roots all over the city. The '*dadas*' of Bombay are as ruthless and extortionist as their counterparts elsewhere. Crime is thus big business in Bombay.

## HYDERABAD

The Hyderabad-Secunderabad agglomeration, familiarly known as the twin cities, crossed the one million mark in 1951, but it was after the integration of the two regions (Andhra and Telengana) in 1956 that it began to develop not only as an important political capital, but as a premier centre of education and industry. The integration also created some degree of cultural tensions which resulted in two major agitations involving considerable loss of life and damage to property. Despite these transient aberrations, the city's growth has been spectacular. In 1961, the population rose to 1.25 millions and in the next decade to 1.8 millions representing a growth rate of 44 per cent. By 1975, the estimated mid-year population crossed the two million mark. The growth of crime in relation to population is given in Table 12.

TABLE 12 HYDERABAD : POPULATION AND CRIME

<i>Year</i>	<i>Population in millions</i>	<i>Total Cog. Crime</i>	<i>Crime Rate</i>
1961	1.25	2,971	237.68
1971	1.80	3,794	210.77
1975	2.07	5,025	263.1

A significant feature of the city is the marginal increase in crime despite the enormous growth of population and rapid industrialization. The low incidence of crime is in consonance with the generally low level in the state as a whole. The spatial distribution of crime in the city also belies the general theoretical formulations relating to urban patterns of crime (Fig. 6.)

The old city, although very thickly populated, is predominantly Muslim and presents a high degree of homogeneity despite a very low economic level. The occupations are traditional and there is little impact of modern industry on them. All these areas south of the Musi river, except for isolated pockets, have consistently displayed low rates of crime. The Cantonment area in the north of Secunderabad including the railway colony at Lalguda and the University area are also comparatively crime free. The industrial area of Sanat Nagar also belongs to the same zone, although the developing industries in Balanagar indicate slightly higher rates of criminality. The criminal areas are thus restricted to busy commercial centres and residential areas in Sultan Bazar, Narayan Guda, Kachiguda and Saifabad in Hyderabad city proper and in the business centres of Mahankali and Gopalapuram in Secunderabad. All these are mixed areas of shopping centres, and

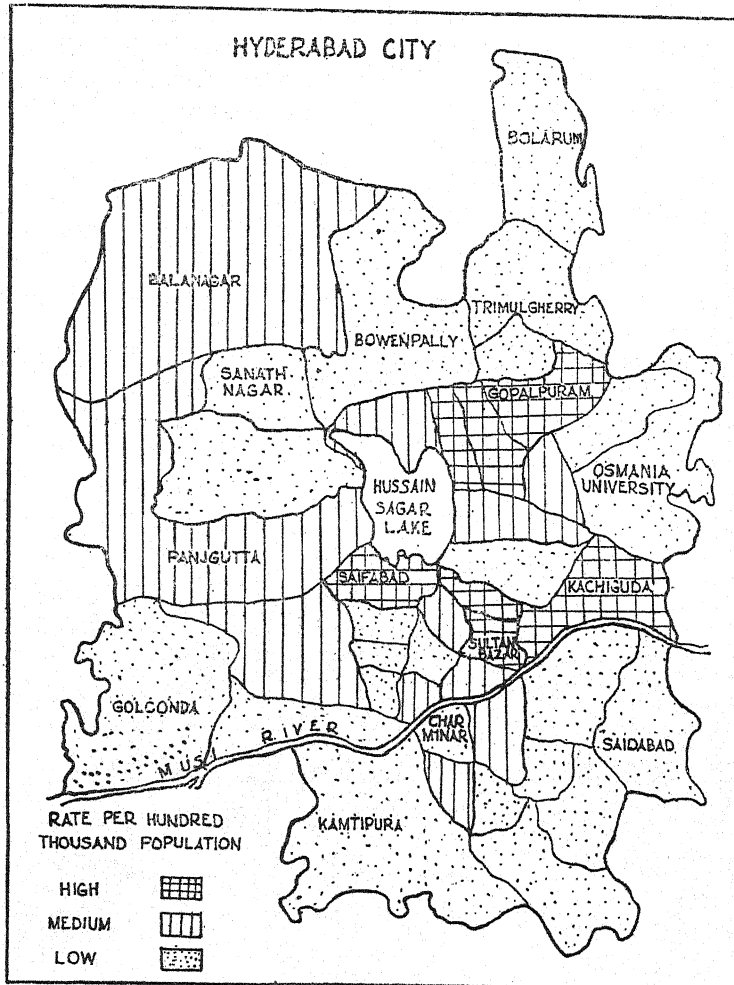


Fig. 6 Crime Distribution, 1975

fashionable residential areas and attract criminals from the lower economic class localities, which are more or less evenly distributed throughout the two cities. Broadly speaking, an analysis of crime incidence in the fast growing twin cities indicates that the impact of modern industry which has been dispersed with some degree of imagination and planning has had so far little or no impact on crime (Fig. 7) and the more culturally homogeneous areas, despite their low economic level, have displayed no visible trends of anti-social activity due to traditional and feudal roots which are still strong. The high criminal areas are mainly the busy shopping and commercial centres and areas where there has been a greater degree of cultural interaction. The

spectacular growth of crime in Bangalore which is in many respects similar to the socio-political structure of Hyderabad is in striking contrast and must be ascribed to the lack of capacity for absorption of the waves of migration consequent on rapid industrialization.

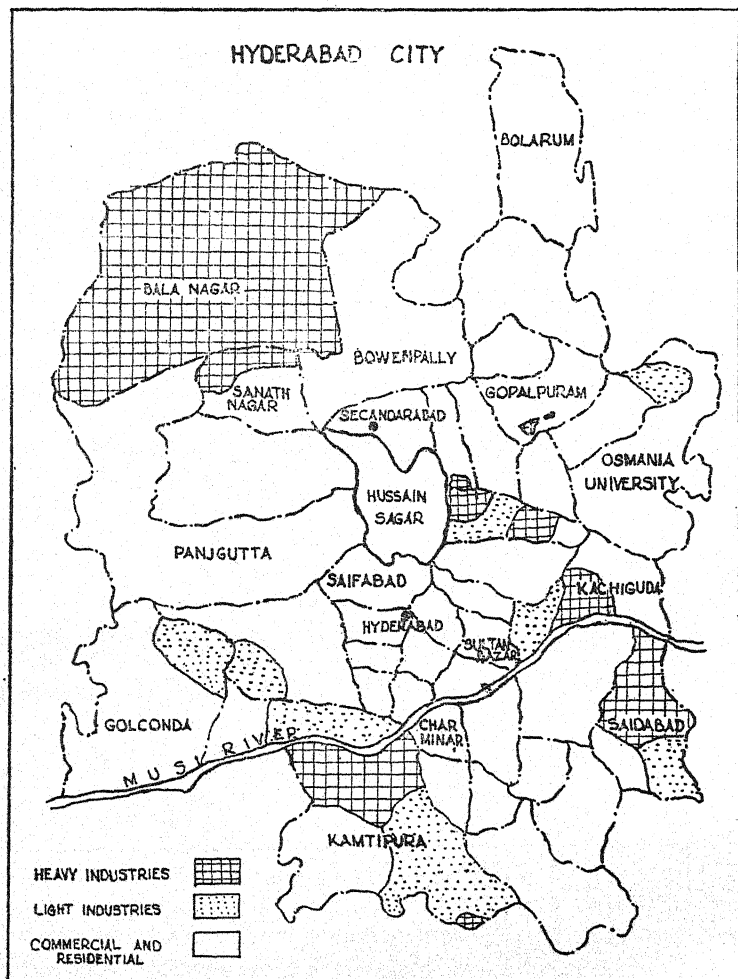


Fig. 7 Industrial and Commercial Locations

#### VISAKHAPATNAM

Visakhapatnam, halfway between the great metropolitan cities of Madras and Calcutta on the east coast is one of the major ports in India, having a natural land-locked harbour and serving the vast resource-rich hinterland of Andhra Pradesh, Madhya Pradesh and Orissa. The

city has by no means reached the stage of urban explosion, but the potentialities of growth with an ever-expanding industrial base will transform it into a gigantic urban sprawl within the next two decades, of which there are already adequate indications. The old town of Visakhapatnam—a compact and congested area built along the main thoroughfare running straight through the town is interspersed by commercial and administrative establishments and inhabited by the middle class. The boom of industrial development during the last two decades has contributed to an extensive spread of new residential colonies and the municipal area now comprises an area of 29.47 square miles and an estimated population exceeding half a million (1975). Despite heavy industrialization, the employment potential is assessed only at about 15 per cent—very low even when compared to the agro-industrial towns of Guntur and Vijayawada in the same region. Indeed, with the very high cost of living, a high rate of migration and unemployment and a very low *per capita* income, the crime rates are so low as to stagger imagination. The comparative statement of crime rates of cities of analogous size in the same region brings out a perplexing anomaly for which no rational explanation is forthcoming (Table 13).

TABLE 13 CRIME AND POPULATION OF SELECT CITIES ON THE EAST COAST

No.	City	Population (thousands)	Crime 1971	Population (thousands)	Crime 1974
1.	Vijayawada	317	1141	342	1,346
2.	Guntur	269	265	291	934
3.	Rajahmundry	165	399	224	1,185
4.	Kakinada	164	322	177	1,627
5.	Machilipatnam	112	332	121	942
6.	Visakhapatnam	352	1,641	380	658

SOURCE : *Crime in India*, Ministry of Home Affairs, Government of India.

The steep fall of crime in Visakhapatnam from 1641 to 658 in a matter of three years is yet another statistical conundrum, but is easily explained. The 1971 figure includes 833 offences under section 294 of the IPC which relate to causing annoyance in public places through obscene acts and songs, etc. These offences are non-cognizable offences which should not have been included in the statistics and provide a singular example of how crime is inflated or deflated through statistical errors. The actual trend in this growing city is more accurately reflected in Table 14 which provides the statistics of important forms of traditional crime.

Figs. 8 and 9 represent the general topographic features and spatial distribution of crime. Despite statistical errors and some degree

TABLE 14 COMPARATIVE STATEMENT OF CRIME : VISAKHAPATNAM  
(1971—1975)

<i>Nature of offence</i>	<i>1971</i>	<i>1975</i>
Murder	2	4
Dacoity	—	1
Robbery	—	6
Burglary	62	118
Theft	219	349
Fraudulent offences	4	11
Riots	3	23
Hurts	5	26
Rash & Negligent acts (secs. 304A, 338, 337 IPC)	30	120
Other IPC cases	43	67
Total IPC cases	368	725
Immoral Traffic	180	368
Gambling	1,019	1,385

SOURCE : The Office of Superintendent of Police, Visakhapatnam.

of suppression of crime, Visakhapatnam represents an outstanding example of a rapidly increasing urban conglomeration on which the impact of modernization and industry appears to have had only a marginal effect despite the presence of the criminogenic factors of rapidly increasing population, a high degree of migration from the rural hinterland, high rate of unemployment due to capital-oriented industry and 41 per cent of population living in slums and village hutting areas. The judicious and planned distribution of industries appears to have been the main reason for the control of crime. Many years ago, at the initial stages of industrialization, it was observed that industrialization need not necessarily involve proliferation of crime<sup>33</sup> and this assessment has surprisingly come true, at least for the present. If crime is an indicator of the stresses and strains of urbanization, these have yet to manifest in a significant manner in the new industrial town. Apart from the cultural traits of the inhabitants, the physical setting of the city which resembles an amphitheatre with surrounding hills and the Bay of Bengal has facilitated planned dispersal of industries and has also contributed to persistent low rates of crime. In the crime map of India, Visakhapatnam is unique, although it would be hazardous to predict that the situation will continue to be the same ten years hence when the projected population will exceed the half-a-million mark.

<sup>33</sup>B. N. Mullick, "Industrialization and Crime", *The Indian Police Journal*, Government of India, New Delhi.

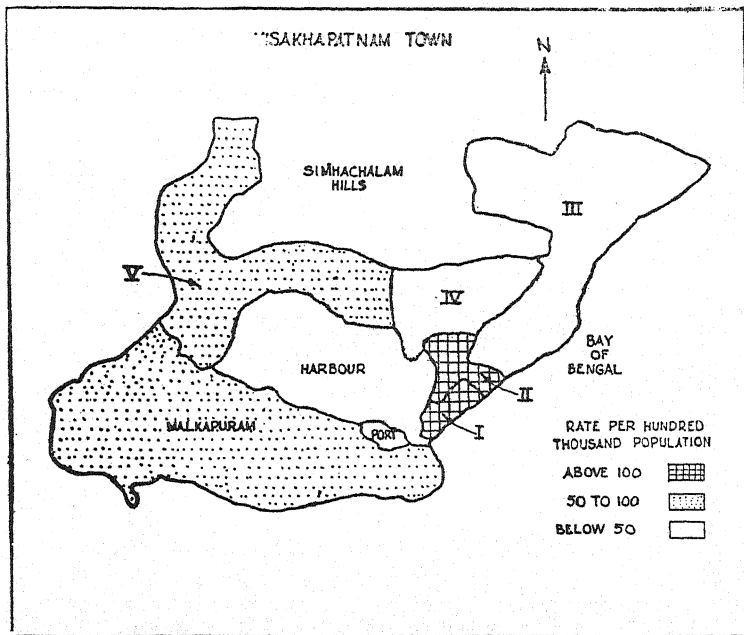


Fig. 8 Crime Distribution, 1974

## URBANIZATION, SLUMS AND CRIME

An enigmatic feature of crime in Indian cities is that no convincing correlation can be found between population size and crime rates. This is most surprising and belies the assessment of Clinard and Abbott that "crime is related to the complexity of developments associated with the world wide processes of industrialization and consequent urbanization."<sup>34</sup> In the same study the authors projected higher scope for urbanization among the developing countries in comparison with the developed societies. The comparison has little meaning since urbanisation has reached a saturation level in the latter in which urban agglomerations are in a state of transformation from metropolitan to megalopolitan stage, and the crime rates in affluent societies are much higher than those in the process of development. There is, however, substance in their statement that the large primate cities in developing societies 'greatly exceed in importance' in proportion of their population in the total economic, political and cultural structure. Bombay and Calcutta are typical examples of the 'preponderance'. The Calcutta Metropolitan District (as distinct from the city of Calcutta)

<sup>34</sup>M. B. Clinard and Daniel J. Abbott, *Crime in Developing Countries : A Comparative Perspective*, John Wiley and Sons, New York, 1971.

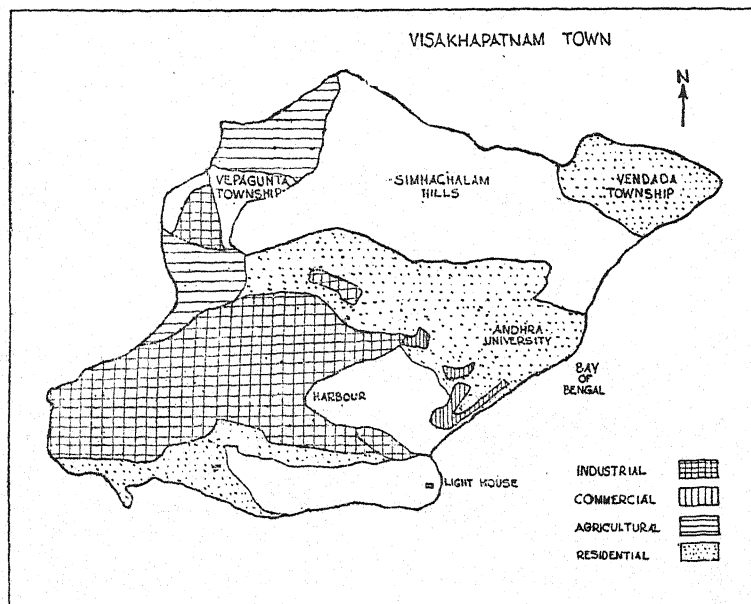


Fig. 9 Industrial and Commercial Locations

comprises an area of 532 square miles with a population of 8.3 million while the city proper covers an area of mere 36.92 sq. miles and has population of 3.14 millions (1971).<sup>35</sup> In 1974, the population of Calcutta rose marginally to 3.22 millions, *i.e.*, by 2.54 per cent suggesting that a limit to population accretion had almost been reached. The Metropolitan District, however, continues to grow and expand with the addition of a million people every year. Similarly, Greater Bombay has an estimated mid-year population of more than seven millions (1975)<sup>36</sup> and one can see already the signs of an enormous urban sprawl extending right upto Pune which has also crossed the one million mark with a natural geographical break due to the Western Ghats. It will not be surprising if existing metropolitan cities will transform themselves into metropolitan conglomerates, in the not too distant future at the present rates of expansion and population accretion.

In what light are we to view these trends which are an inevitable sequel to development? While industrialization in Europe and the United States was accompanied by a gradual drift of population due to

<sup>35</sup>The latest demographic statistics of Calcutta are given in *Yojana*, Vol. XX/20, Publications Division, Government of India, New Delhi, November, 1977.

<sup>36</sup>For a detailed discussion of the population projections in the growing metropolitan cities, see Asish Bose, *Studies in India's Urbanization*, Tata McGraw Hill Publishing Co., Delhi, 1973.

the 'pull' factor, it is thought that in India, there is a 'short leap' from rural simplicity to urban perplexity due to intense population pressure. This is only partly true. While the rural migrant is drawn sometimes directly to the metropolitan city on account of proximity and the 'pull' of relatives and friends, the migratory process occurs usually through intermediate district and provincial towns. It is not always a sudden and abrupt change and consequently the *ad hoc* accretions have an element of homogeneity with common caste, linguistic and regional interests. The heterogeneity of the city is not questioned in the overall perspective, but it is necessary to bear in mind that individual concentrations of new migrants maintain a high degree of homogeneity. Moreover in such areas, the economic motivation transcends narrow caste and cultural barriers and provides a strong incentive for cohesiveness in an unfamiliar environment. As observed by a noted demographer, 'urbanization' by itself is no cause for alarm; what is alarming are the gross inefficiencies and inequities that characterize urbanization in the developing world.<sup>37</sup>

A brief survey of the results of research insofar as they may have relevance to the Indian situation is not out of place. In the first instance, there is a general impression that crime is a lower class phenomenon because the bulk of traditional crime is statistically traced to the poor. Some recent studies have attempted to disprove this oft-repeated generalization. Nye and Short found no significant differences in criminal behaviour among different social classes.<sup>38</sup> On the contrary, Clark and Winninger noticed prominent variations among 'status areas.'<sup>39</sup> According to them, the pattern of antisocial behaviour within a small community or status area like a slum in a metropolitan city is determined by the predominant class of that area. The conclusions are subject to serious limitations one of which, as admitted by the authors themselves, is the imponderable of the size and dimensions of the urban area in which the "socio-economic variable becomes relevant or significant". Eberts and Schwirian confirmed in part the studies, of Nye and Short and suggested that it would be more realistic to take into consideration the element of 'relative deprivation' than to determine the qualitative and quantitative structure of delinquency on a general hypothesis that crime occurs and depends upon "the extent to which one segment of the population feels disadvantaged in its position relating to other segments of the

<sup>37</sup>George Beier, "The Task Ahead for the Cities of the Developing World", World Development, 1976.

<sup>38</sup>Ivan F. Nye, James F. Short, and V. J. Olson, "Socio-economic status and Delinquent Behaviour", *American Journal of Sociology*, January, 1958.

<sup>39</sup>John P. Clark and E.P. Winninger, "Socio-economic Class and Areas as Correlates of Illegal Behaviour among Juveniles", *American Sociological Review*, Vol. 27, 1962.

population in the same community".<sup>40</sup> In her thesis on urban crime, Sarah Boggs came to the conclusion that neighbourhoods differ remarkably in the presentation of opportunities of crime. The crime-breeding areas and target areas are not necessarily coincident like the American slums which constitute islands unto themselves through racial and class segregation. In the Indian cities, the lower class residential areas including slums are not so completely isolated, the degree of isolation being comparatively higher in the rural areas where class and caste barriers are more forbidding. In the cities, the lower class areas including slums lie cheek by jowl with the fashionable and affluent sections which explains why distinctive differences in spatial distribution of crime are not prominently noticed. Another reason is that Indian cities are not pre-eminently industry-based; and even when they are, there is a greater dispersal of industries and residential colonies of the workers which also contributes to greater uniformity in the distribution of crime. Indeed, crime rates in outlying fashionable enclaves are at times higher by virtue of greater opportunities they present, inadequate policing and modern architectural styles which sacrifice security for the aesthetics of glass. There is substance in Boggs' assertion that the intrinsic crime rates should be determined not by population density but with reference to the "risk of target group appropriate to each crime category."<sup>41</sup> Arguing from this point of view, she terms the high crime rates in the central business districts as 'spurious'.

In the light of these findings, it is pertinent to examine some of the generalizations which mark the latest study of crime in developing countries, made by Clinard and Abbott, one of which is to the effect that "in both developed and developing countries, the majority of *reported* crime and delinquency is committed by slum-dwellers and much of it occurs in the slum areas".<sup>42</sup> The latter part of the statement cannot go unchallenged since, as witnessed in a number of Indian cities, the bulk of crime occurs in middle-class and fashionable residential areas, shopping centres and business sections. As regards the exclusive participation of slum-dweller in criminal activities, it is true that most of the persons arrested in traditional crimes like theft and burglary are drawn from lower economic levels, but that by itself cannot be taken as an index of the slum-dwellers' criminality. It is perhaps true to some extent in respect of areas exclusively inhabited by groups or sections with a record of long criminal activity, e.g., the denotified tribes among whom the theory of differential association applies intensively. In a

<sup>40</sup>Paul Eberts and Kent P. Schwirian, "Metropolitan Crime Rates and Relative Deprivation", *Criminologica*, Vol. V, February 1968. American Society of [Criminology.

<sup>41</sup>Sarah L. Boggs, "Urban Crime Patterns", *American Sociological Review*, Vol. 30, No. 6, December 1966.

<sup>42</sup>M.B. Clinard and D.J. Abbott, *op. cit.*

recent study, Bulsara states that slum-dwellers have a high self-image and are not prepared to accept or approve criminal acts like theft.<sup>43</sup>

Marshall Clinard is fully convinced that the urban slum is the villain of the piece. According to him: "Slums constitute a way of life, a sub-culture with a set of norms and values, which is reflected in the poor sanitation and health practices, and characteristic attributes of apathy and social isolation...The existence of unconventional values in slum areas accounts for the high rates of such deviant behaviour as delinquency."<sup>44</sup> He had evidently in mind the multi-storeyed *chawls* of Bombay, the tin-shacked *bustees* of Calcutta, the *jhuggies* and *jhompries* of Delhi and the filthy conglomerations of huts in the cities all over India which represent the extremes of urban poverty. Despite his categorical statement in relation to all developing countries,<sup>45</sup> it is doubtful whether intensified criminality can be so emphatically ascribed to the slum areas in Indian cities. After an extensive study of the slums in an English city, Morris found that the characteristics of a slum area "bear little relation to its crime and delinquency except indirectly as a determinant of the social status of the area."<sup>46</sup> But before discussing the relationship between crime and slum life, a brief description of the slums in a few Indian cities may provide a backdrop for assessment.

The familiar term for a slum in Delhi is *jhuggie-jhomprie* which is in reality a squatter settlement. In 1951, the proportion of such unauthorized settlements was 1:20. In 1973, the ratio had increased to 1:4.5, and the slum-dwellers accounted for 16.3 per cent of the total population of the city.<sup>47</sup> Mazumdar found that nearly 60 per cent of the slum population were rural migrants and 72 per cent of the people earning less than Rs.150 per month found shelter in these squalid settlements. Among the rural migrants 65 per cent belonged to the scheduled and other 'lower' castes. Of the total number of households studied, the percentage composition indicated their initial poverty (marginal farmers 35, share-croppers 20, landless labourers 24, and artisans 15; and the rest belonged to a variety of urban-based occupation).<sup>48</sup> In contrast to the blighted rural background which offers no hope whatever even for elementary sustenance, the economic activities in a city offer a wide range of opportunities for vocational choice and rejection of caste-

<sup>43</sup>J.F. Bulsara, *Patterns of Social Life in Metropolitan Areas*, Planning Commission, Government of India, New Delhi, 1970.

<sup>44</sup>M.B. Clinard, "The Nature of the Slum" in *Crime in the City*, (ed.), Daniel Glaser, Hasper's Row, London, 1970.

<sup>45</sup>*Ibid.*

<sup>46</sup>T. Morris, *op. cit.*

<sup>47</sup>K. Tapan Mazumdar, "The Urban Poor and Social Change: A Study of Squatter Settlements in Delhi," *Social Action*.

<sup>48</sup>*Ibid.*

bound traditional occupations. This is particularly true of scheduled castes who form a good proportion of slum-dwellers. Exposed constantly to the mass media, the slum dwellers' self image is not always cynical. There is some hope, some sense of relief from the rural bondage, and at the same time an awareness of the yawning gulf between him and the more fortunate. There is thus scope for both conformism and deviance, because the slum dweller is caught between two value systems—the 'folk traditional' with its emphasis on the rural normative forms of behaviour and modernism which drive him towards secularism, class consciousness and cognition of the injustices in the social structure to which he belongs. The conflict may not be readily articulated, but in some instances manifests itself in quasi-criminality and traditional crime. The slum, in its corporate form, emerges as a gesture of defiance and circumvention of law.

In Calcutta, the slum is designated by the term *bustee* which, according to the Calcutta Municipal Act, is an area of land of specific dimensions occupied by any collection of huts. The *bustees* are not really squatter settlements but "tenancy settlements with a three-tier arrangement to which the slum-dweller, the owner of the huts and the landlord from whom the land is leased are the parties".<sup>49</sup> According to a survey conducted by the West Bengal Statistical Bureau in 1958-59, there were 3093 *bustees* duly registered by the Municipality, with a total holding of 28,600 huts in which 6,69,000 people lived. Each hut in a *bustee* had about six or seven families and on an average each room had not less than four occupants. The *bustees* were not exclusively residential as in most other cities and provided work places as well. The population in the registered *bustees* accounted for about one-fifth of the urban poor in the city, the rest finding shelter in other types of marginal settlements and even pavements. In 1971, there were 48,000 pavement dwellers in the city of Calcutta and their number rose to one hundred thousand in 1974 due to drought and scarcity conditions in the countryside.<sup>50</sup>

In Bombay, it was estimated that in 1968 about 1.25 million, i.e., one-fourth of the city's population was living in slums or on the pavements. In the initial stages the slums are 'unauthorized', but in course of time they acquire some degree of legitimacy. Called *jhopad pattis* the slums are spread over almost all parts of the city except the fashionable areas in the Fort. They are more prominent in the geographical centre which represents the old industrial sector, but are more evenly dispersed in the outgrowing suburban areas through continuous accretion.

<sup>49</sup>K.C. Sivaramakrishnan, "The Slum Improvement Programme in Calcutta: The Role of the CMDA", *Social Action*.

<sup>50</sup>*Ibid.*

Bulsara observes in righteous indignation:

Two prominent features of India's urban agglomerates, which may disentitle them to claim the appellation of cities, are the pavement households and slum communities. When individuals and families, comprising men, women and children, and numbering hundreds of thousands in each city, and engaged in the regular productive work of the urban community, have to lodge year in and year out on pavements of crowded streets, live in 'lean-tos' against walls of mills, factories and residential houses and pass their entire working lives of 10 to 40 years and more in forbidding swamps, marshes and any available open space anywhere within the bounds of the urban conglomeration, it bespeaks that in such a city either the sense of civic community is absent, or that there is no authority responsible for the orderly organization and development of the city.<sup>51</sup>

In a typical slum (*cheri*) in Madras, the association of the slum dweller with the informal sector was brought out clearly in a recent study. Of the sample of 376 household studied, 34 were engaged in sales activity (vegetables, cloth, etc.), 172 were casual labourers, 52 were engaged in skilled and unskilled labour, 35 were employed in household industries (*beedi* manufacture, weaving, tanning, etc.), 8 were petty shop-keepers, 47 were engaged in lower class miscellaneous activities like rickshaw-pulling, watchmen, etc., and the rest were unemployed. Although there were sources of other income through work participation of the family members, the net effect was marginal, and the *per capita* income of 80 per cent of the population of the slum was below the 'absolute poverty' level and very few were just a little over it.<sup>52</sup>

The nature and social pathology of the slums described briefly in respect of the four metropolitan cities are equally valid in respect of other cities by whatever name they are called and the marginal differences one may notice lie in the traditional styles of living associated with the region in which the cities are located. They reflect the dire poverty of the people, the deplorable condition of their lives and the potential for developing attitudes and behavioural responses concomitant with the harshness and soullessness of the areas. Secondly, the proliferation of slums indicates the intensity of change that is overtaking society and the total incapacity of the political and administrative system to cope with it. It would, therefore, be surprising if these centres of extreme deprivation do not breed vice and crime as acceptable economic activities for survival. It would be difficult to deny the emergence of a distinct

<sup>51</sup>Bulsara, J. F., *op. cit.*

<sup>52</sup>Paul D. Wibe, "Interdependence not Duality: Slum Perspectives", *Social Action*.

slum culture peculiar to its environmental and economic pressures. The red light area of Bombay has a culture of its own, a value system which is economically motivated by institutionalization of fresh trade. A whole array of pimps and procurers, brothel keepers, landlords, strong-arm men to provide protection, investors, suppliers of apparel and make-up men constitute this group. Their values, aspirations and goals are oriented to this sphere of economic activity which has a strong consensual demand. Similarly, in Hyderabad, the Dhoolpet area, a veritable maze of labyrinthine lanes and bylanes has been long notorious for illicit distillation of liquor in which almost every family has a stake. Some of these activities may lead to traditional crime, but, by and large, these sub-cultural groups do not necessarily approve traditional criminality which they consider as stigmatizing and humiliating. All slums may not be as criminogenic as western criminologists have tried to portray.

In support of the above conclusion, there are certain facets of Indian slum life which deserve to be mentioned. In the first place, there has been far too much generalization on the basis of western experience and its application *mutatis mutandis* to the Indian scene. What is perhaps overlooked is that the Indian slum is no more than a replication of the rural slum. It is neither better nor worse. The only difference, and it may be of paramount importance of course, is that the urban slum is located initially in a new and unfamiliar environment and it takes sometimes for the rural migrant to realign himself to the culture of anonymity.

The Indian cultural tradition of fatalism persists at all levels of society including the lowest represented by the slums—urban and rural—despite a very high degree of political consciousness. This is a stabilizing factor in a social structure in disarray. The issue turns inevitably round the crucial question: how poor are the slum dwellers? Clinard himself found it extremely hard to define poverty in terms of slum life with its serious limitations in different contexts and societies.<sup>53</sup>

Most criminologists believe that slums represent acute social disorganization which contributes to crime and delinquency. On the contrary, one finds in some urban slums in Indian cities a very high degree of organization, cohesion and community of interest. Indeed, viewed from this angle, the slum appears to be an integral part of the growth system of the city. Slums, with their attendant conditions of overcrowding and insanitation are in the words of Martindale, 'the untidy statements of mathematics',<sup>54</sup> and 'eye sores' but they do play an important role

<sup>53</sup> Marshal B. Clinard, *op. cit.*

<sup>54</sup> D. Martindale, in Preface to Max Weber's *The City*, The Free Press, New York, 1958.

in the economic life of the city. It is not always true, as Clinard thought, that the slum-dweller is apathetic, withdrawn and alienated. There is considerable conformism in the slums and most often, the deviations are determined by middle class values and the power structure which supports those values. Slum clearance programmes are motivated by aesthetic considerations and reflect middle class and upper class revulsion to poverty. Nevertheless, slums are 'self-perpetuating' and the clearance programmes have created more problems than they have solved.

Yet another feature which militates against the general assumption of high criminality in the slums is the association or linkage of the slums with the informal sector in the cities which provides considerable employment opportunities despite severe constraints of organization, bureaucratic interference and acute competition. The vast majority of rural migrants find a place initially in the informal structure since the formal sector's employment potential is limited and entry into it is restricted. These factors also contribute to the 'clustering' of informal sector enterprises and location of the slums near work places. Despite some symbolic gestures of assistance to informal sector activities, the problems of slum-dwellers, according to one assessment are "similar to those of the marginal and agricultural labourers in rural areas".<sup>55</sup> Qualitatively, urban poverty is not very different from rural poverty and urban slums are no more than transplantations from the rural soil.

This is not to say that there are no differences between the two segments of our proliferating population whose number below the poverty line continues to grow dismally. The differences lie chiefly in the 'locale' and consequent differences in life styles governed predominantly by the opportunities—legal or otherwise—which a city presents. Admittedly there is a greater degree of identification among the rural poor despite their social isolation, being linked to small communities. Despite the caste affiliations and class differentials, there is a greater degree of harmony in personal relationships which tends to disappear when people move into the anonymity of cities. Although a number of slum clusters in cities also are caste and region oriented, a redeeming factor is greater social mobility, lessening significance of caste and a perceptible degree of cohesion which transcends narrow caste and communal disharmonies. As Mazumdar says: "To find a place and live in the city, demands of the poor a very high degree of initiative, ingenuity, tolerance and pragmatic cooperation... Traditional loyalties and obligations are essential references and it is these primary affinities which bring about the

<sup>55</sup>S. V. Sethuraman, "The Informal Urban Sector in Developing Countries : Some Policy Implications", *Social Action*, Vol. 27, No. 3, Indian Social Institute, New Delhi, 1977.

articulation of the rural social structure within the urban.”<sup>56</sup>

A United Nation's study undertaken some years ago pointed out the high correlation between urbanization and official rates of juvenile delinquency.<sup>57</sup> Earlier, while discussing the national trends, it was indicated, how adult criminality is strongly related to juvenile delinquency. A part of this phenomenon could also be due to the fact that there is greater awareness of the seriousness of juvenile aberrations in urban settings because of the availability of institutional facilities. Clinard and Abbott noticed some distinction between juvenile delinquency in developed and under-developed societies. According to them, in affluent societies, youth crime and delinquency are due to leisure and development of a 'separate youth culture' with little or no parental control. Contrariwise, crime in urban areas of developing societies is attributed to "detribalization and other ties and a widespread slum way of life with its often deviant norms and standards".<sup>58</sup>

These assumptions are valid only to a limited extent. The Indian slums, despite their degradation, have a strong element of cohesion and it would not be right to assert that their traditional value systems derived from rural roots are rejected *in toto*. On the other hand, the transfer from a rural slum to an urban one quite often generates a new sense of dignity, a capacity for reassertion and most importantly, a dilution of caste and sectarian inhibitions. While some element of anti-social activity has to be anticipated from the desperate efforts to survive in a hostile and unfamiliar environment, there are distinct indications of corporate endeavour for consolidation and cooperation. One may look upon slums as 'cancerous growths' on civic anatomy which have to be removed or driven so far that they do not impinge on the aesthetic sensitivity of the city. These are, however, notions of the *elite* who cannot think of having the poor in their midst. But the slum-dwellers are also members of society, with normal aspirations to make a living, and striving for a decent life in the community to which they belong, and contributing to the economic growth of the city. Instances are not wanting when criminality is provoked by thoughtless interference and impersonal approach. The Turkman Gate affair in Delhi in 1975 in which a whole settlement consisting of thousands of households was bulldozed is a singular example of a slum which engendered violence on a large scale when attempted to be destroyed. There were many such incidents which were carried out ruthlessly in the zeal for aesthetic urban development, Who are the criminals? The urban poor who are driven from their rural homes and forced to live in the slums because of the proximity to

<sup>56</sup>Tapan K. Muzumdar, *op. cit.*

<sup>57</sup>United Nations, *Juvenile Delinquency in India*, SOA/SD/CS2, June 1967.

<sup>58</sup>Marshal B. Clinard, *op. cit.*

the places of their work or the administrators and the politicians who allow them to grow in the initial stages and subsequently think fit to destroy them because they reflect the ugly poverty of the Indian people which deserves to be swept under a carpet. The reality is Indian poverty and the slums which constitute nearly one-third of any city are a part and parcel of it.

Drawing from the famous Chicago school, Clinard and Abbott are inclined to assume that the same characteristics dominate the emergence of the cities in India. They say that "the urban way of life is characterized by extensive conflicts of norms and values, rapid social change, increased mobility of the population, emphasis on material goods and individualism, and the increase in the use of formal rather than informal social controls."<sup>59</sup> Social change, population mobility and formal control mechanisms are understandable, but the emphasis on material goods is not very clear, particularly in a society plagued by acute deprivation. The poor—rural and urban—need food, shelter and clothing, a decent way of living which can enrich their social and cultural life. To view this just demand as materialistic is an oversimplification even in a society which has traditionally accepted poverty as 'God-given'—a punishment for the sins of a previous life and consequently to be accepted with fortitude and philosophic resignation.

Presently, there is a remarkable sense of awakening among the deprived and weaker sections of society who are now beginning to question institutionalized exploitation. If traditional values and norms are breaking down in this flux of change, it is not a development to be bemoaned. On the other hand, there is a compelling need to re-assess and take fresh cognizance of the criminality of vested interests and privileged classes who strive with all the means at their disposal to resist change and maintain their dominant position through clever circumventions of law. Thus, criminality is not necessarily of the poor; the affluent and the powerful are also guilty, although their crimes do not come to the surface easily.

A pertinent question, with particular reference to the urban situation, is one relating to the definition and confines of 'materialism'. How much is the need, how much are ostentation and luxury? The bulk of white collar crime is committed not by the deprived and the poor but by those who occupy the positions of power, prestige and status. White collar crime is born in cities and sustains itself on city cultures since the primate city is the centre of trade and commerce as well as political power. The breeding grounds of crime are not merely the slums and *jhuggies* but also the sprawling bungalows in Lutyens' New Delhi and the penthouses of the opulent business tycoons of Bombay's Malabar Hill. □

<sup>59</sup>Clinard and Abbot, *op. cit.*

## SIX

# THE ECONOMICS OF CRIME

THE economic explanations of crime in whatever sense they are understood and interpreted, did not contribute substantially to the advancement of modern criminology. It is only recently that economists have begun to take interest in the field and attempt an explanation of crime within the framework of their science. This is not to say that in the frustrating search for an integrated and comprehensive theory of crime causation, criminologists ignored the role and impact of economic factors in the criminal phenomenon. On the contrary, a number of social scientists, prominent among whom were Adolphe Quitelet in France, George Von Meyer in Germany and Willem Bonger in Holland, devoted their labours mainly to ascertain the economic correlates of crime and their influence on criminal behaviour. The bulk of their work, with the notable exception of Bonger, suggested that "however strong the influence of the economic factors may be, they can hardly ever operate without the support of other factors and in particular, they have to pass the psychological transformator".<sup>1</sup>

The above view—a re-statement of the multi-causal theories of crime—gains considerable support from the spiralling crime rates in developed societies. Economic prosperity and higher standards of living have not reduced crime; on the other hand, we are witnessing today nightmarish increases in crime in affluent societies. Poverty which is a relative concept related to the 'level of satisfaction' and affluence to which there are no predetermined standards are diametrically opposite, but each, in its own way, contributes to crime.

The Indian official statistical reports which usually attributed annual increases in crime rates to 'adverse economic situation' were not so naive after all. Linking the 'economic' situation to scarcity of food,

<sup>1</sup>Hermann Mannheim, *Comparative Criminology*, Routledge and Kegan Paul, London, 1965, p. 579.

inflation, unemployment and poverty they were merely stating that economic pressures force an indigent population into criminality.<sup>2</sup> In recent years, much confusion has also arisen on account of the ambivalent use of the term 'economic offences'. The trend was set by the Indian Law Commission in its forty-seventh report which restricted it to those offences having an impact on national economy, e.g., smuggling, illegal business deals, hoarding and black-marketing, tax evasion, violation of foreign exchange regulations, etc. The above conceptualization and categorization distort criminological analysis since they lay greater emphasis on the degree of heinousness of an offence by virtue of the extent of social loss or damage rather than by virtue of the causative or motivational factors. It is now a fashion to divide crime into two broad categories—traditional and white collar (or socio-economic) varieties, although the bulk of the former also is motivated by economic considerations. Theft, burglary, robbery and dacoity are viewed as 'traditional' offences, but can it be denied that in the majority of these offences, it is the economic motive that prevails? When a hungry man steals a loaf or bread, does it become less 'economic' due to its traditionality, the psychological transformator notwithstanding? A member of the erstwhile criminal tribes commits a burglary and disposes of the stolen property in the *chor bazar* (thieves' market). Does not this 'deal' constitute a part of the economic activity of the whole set of people involved in it? Mannheim describes an interesting situation in the economically backward southern provinces of Italy where smuggling had become almost an occupation as a "means by which large sections of the population could find enough to eat."<sup>3</sup> An analogous situation has arisen in India too. In the west coast, smuggling has become the primary occupation of indigent fishermen and a whole population in a large number of villages. Without minimizing the play of other socio-psychological factors, it is not unreasonable to take a view that all offences in which pecuniary gain is directly or indirectly involved must be given due consideration as 'economic motivated.'

The bulk of crime handled by the justice system falls appropriately under the above category. During 1977 the total cognizable crime under the Indian Penal Code alone was of the magnitude of 12,67,004 reported cases. The classification of crimes in which the pecuniary motive figures is given in Table 1.

Sixty per cent of the reported offences were directly actuated by the

<sup>2</sup>See the Government of India's annual reports on *Crime in India* prior to 1971, wherein rudimentary attempts at interpreting the crime trends were made. This practice was given up later as comparisons between crime rates were misconstrued as adverse reflections on the States' performance in the economic and political sphere as well as police efficiency.

<sup>3</sup>Hermann Mannheim, *op. cit.*

TABLE 1 OFFENCES UNDER THE INDIAN PENAL CODE WITH A  
PECUNIARY MOTIVE : 1977

<i>Category</i>	<i>Number</i>
Murder and culpable homicide for gain or on account of disputes over property	4,551
Dacoity	12,599
Robbery	22,725
Burglary	1,92,622
Theft	4,32,046
Criminal breach of trust	22,868
Cheating	19,693
Currency offences	784
TOTAL	7,04,337

desire for pecuniary gain. The balance (5,62,667) constitutes the miscellaneous group of offences which includes other types of murders, kidnapping and abduction and riots. In a good proportion of the miscellaneous group of offences also, the pecuniary motive is apparent in cases of kidnapping for ransom, beggary or prostitution, forgery, offences relating to weights and measures, and a substantial share of assaults (grievous hurts), etc. It is estimated that at least half of the miscellaneous offences suggest the primacy of monetary considerations in inter-personal tensions or emerge as manifestations of resentment against exploitative practices by individuals or groups. On the basis of this rough computation, it is estimated that nearly 80 per cent of cognizable crimes under the Indian Penal Code have a strong economic base. To this number has to be added a large number of offences pertaining to gambling, prostitution, smuggling, tax evasion, black-marketing, adulteration of food and drugs, violations of financial regulations, corporate frauds and administrative and political corruption. Leaving white collar crimes which are committed within the 'protective ring' of higher socio-economic circles and whose statistical significance is low, official statistics reveal that the bulk of traditional crime is committed by economically deprived or disadvantaged sections of society, because it is this segment which figures prominently in them. Even reformist and welfare legislation like prohibition brings out the economic factor in clear perspective since it converts the related offences into a mass industry. In some States where prohibition was enforced, whole clusters of villages adopted illicit distillation as an avocation worth pursuing for quick monetary returns. An edifice of corruption grew on an unprecedented scale creating a parallel economy of its own. The same is true of smuggling and its complementary activities. Thus, both qualitatively and quantitatively, the economic factors are over-

whelming. The Indian estimate based on limited data is probably low. In the USA it was computed that "at least 92 per cent of the indexed crime involved some form of property (including money)".<sup>4</sup> The emergence of criminality as an economic phenomenon can also be highlighted by crisis situations of national disasters.

Following the lead of the French sociologist Lacasagne<sup>5</sup>, it is said that a society gets the criminals it deserves. The devastating tidal wave which hit the east coast of India on the night of November 19, 1977 should not normally find a place in a criminological study but the swirling tidal waves left behind a plethora of problems not the least of which was the anti-social behaviour of a segment of population caught in the vortex of an unprecedented tragedy. The massive aid was a God-send to the hapless people who miraculously survived. By the time the enumeration of the victims was completed and official estimates of the damage computed, the number of dwelling houses uprooted by the cyclone trebled. The decaying bodies pushed back by the sea found new kith and kin to wail over them because every death meant a monetary grant of one thousand rupees. The truck-loads of relief material, clothing and food-stuffs underwent dramatic transmutations during their long journeys. The village officials and other functionaries joined in league with the survivors to bring back to life many who had long been dead to bless their 'grieving heirs'. There was cut in every payment, a kick-back for every gift. While the local goondas reaped a rich harvest, the aid official did not lag behind. This is not to say that all aid was misused; there was much compassion and kindness and self-less service in the midst of a grim tragedy, but there were many too who could not let go the 'opportunity of misery'.<sup>6</sup> The nature of behaviour of people in crisis situations and in interaction with power groups is determined by an infinitely complex pattern of relationships. But behind all this lies the grim economic situation, the dehumanizing sense of deprivation and the insensitivity which poverty generates. Even in an affluent society like the USA, a similar phenomenon was noticed during the blackout on a 'vagrant' summer night in July 1977. "Roving bands of determined men, women and even little children wrenched steel shutters and grills from storefronts with crowbars, shattered plate-glass windows, scooped up everything they could carry, and destroyed what they could not....The arsonists were as busy as the looters.

<sup>4</sup>Ramsey Clark, *Crime in America*, Simon and Schuster, New York, 1970, p. 48.

<sup>5</sup>The oft-repeated statement is ascribed to the French Criminologist Jean-Alexander Eugene Lacasagne. See Herbert A. Bloch and Gilbert Geis, *Man, Crime and Society*, Random House, New York, 1962, p. 75.

<sup>6</sup>A detailed account of the Cyclone and its after-effects was given by Ivan Ferra in the Imprint, March, 1978. See also Philip Knightley, "The Other Side of Charity", *Sunday*, April 23, 1978.

Firemen fought 1037 blazes six times the normal number. When firemen showed up with their sirens screaming, the crowds pelted them with rocks and bottles".<sup>7</sup> Analysing the causes of this unprecedented spree of crime, a social psychologist said: "When economic conditions get better, those who are left behind get angrier." Ted Gur's reaction was that "the poor, and especially poor blacks, don't share our middle-class values for other people's property".<sup>8</sup>

It is not surprising that in view of the general paucity of research in criminology in India, there has been no worthwhile contribution towards understanding crime in relation to the economic conditions. The solitary exception was the work of Haikerwal in the early thirties. Despite its impressive title, the book devoted barely a few pages to economic conditions and the conclusions were an exercise in oversimplification. It was said: "A review of crops and crimes of various years in different parts of the country clearly shows the important role that harvests play in the increase or decrease of crime....Nothing short of a complete over-hauling of the social and the economic system can stamp out crime. As long as temptations persist and the social and economic organization does not offer equal opportunities to all, but perpetuates the contrasts between underserved poverty and idle luxury, between forced unemployment and production of luxuries, there will remain persons to do criminal acts.... In short, the whole economic framework of society must be remodelled..."<sup>9</sup>

The conclusions of Haikerwal were not founded either on empirical research or on econometric models which are important methodological innovations of more recent times. There are also grounds to believe that he was inspired by the work of Bonger, but could not go far enough due to the inhibitions of the times in which he lived.

Since the forties, the economists have displayed little interest in crime. The element of confusion in the multi-factor approach of the sociologists and the peripheral impact of psychological theories have encouraged the modern economists to enter the criminological field with renewed assertiveness. This is inevitable once the overwhelming nature of the economic base of crime is established. The economist is no longer tinkering with his improved methodological tools and techniques as an academic exercise in criminology; he is now making a determined bid to provide a primary approach to evaluate the complexities of criminal phenomenon.

Economics has been defined as a discipline that studies "the

<sup>7</sup>*The Time Magazine*, July 25, 1977.

<sup>8</sup>*Ibid.*

<sup>9</sup>B. S. Haikerwal, *Economic and Social Aspects of Crime in India*, George Allen and Unwin Ltd., London, 1934, pp. 50-65.

allocation of scarce means among alternative ends" and accordingly of "the principle of constrained choice".<sup>10</sup> The orthodox economist approach to crime and its problem is therefore based on the assumption that crime is "mostly a business oriented economic activity" and reduction in crime is possible by increasing the cost of crime to the offender. Because human behaviour is subject to constant restraints and limited resources, the application of economic models and principles assumes considerable importance. The most important postulate which the economists put forward in their analysis of criminal behaviour is that man behaves rationally in his occupational choices. It implies that in making a choice decision, an individual takes into account the gains and costs of his endeavour as he perceives and expects. A criminal act is embarked upon when the offender is satisfied that on the final reckoning, the act would be more gainful to him than approved and legitimate behaviour.

The revival of interest of the economists in crimono-economics can be associated with the pioneering work of Becker in 1968 which is now considered as a "major statement". According to Becker, a "useful theory of criminal behaviour can dispense with special theories of *anomie*, psychological inadequacies, or inheritance of special traits and simply extend the economist's usual analysis of choice."<sup>11</sup> He also contends that "the general criterion of social loss is shown to incorporate as special cases, valid under special assumptions, the criteria of vengeance, deterrence, compensation and rehabilitation that historically have figured so prominently in practice and criminological literature."<sup>12</sup>

In short, Becker is rejecting the traditional criminological theories and maintaining that criminals are rational people who calculate the costs and benefits of crime before embarking on it. The criminal's calculations may be distorted by his own limited judgement, but that by itself does not reduce the element of 'rationality'. Needless to say, the economic theories constructed on the basis of this assumption cannot explain all crimes—particularly those involving intense emotional disturbances and psychopathic manifestations of aggressive violence where rationality is reduced to zero level. Psychologists also agree to a limited extent that even in cases where criminal offences are traced to deep psychological drives, the internal resistance breaks down when the external environment accentuates the drive through processes of complex interaction,<sup>13</sup> or when the external conditioning is not sufficiently strong

<sup>10</sup>Simon Rottenberg, "Introduction", *The Economics of Crime and Punishment*, American Enterprise for Public Policy Research, Washington, 1973.

<sup>11</sup>Gary S. Becker, "Crime and Punishment: An Economic Approach", *Journal of Political Economy*, April, 1968, pp. 169-217.

<sup>12</sup>*Ibid.*

<sup>13</sup>David Abrahamsen, *The Psychology of Crime*, John Wiley and Sons, New York.

to direct an individual towards 'moral and social behaviour'.<sup>14</sup> But where the *motive* is pecuniary gain regardless of the degree of violence involved, the element of calculation of anticipated benefits cannot be denied. As a corollary, the economic theories envisage that deterrence can be achieved through increasing the 'opportunity costs', *i.e.*, making the punishments forbidding. Thus the economists make out a strong case for deterrence by increasing the probability of apprehension and punishment of the criminal and discount soft-peddalling of justice.

An opposite view is taken by sociologists who hold that every criminal is the end result of some unique psychological pressure on the individual or the impact of the socio-economic environment in which he perceives himself or an inter-action between both. Although apparently divergent in relation to the element of rationality and this is no doubt vital—there is some common ground between the two. The sociological theories do not reject economic motivation *in toto*. The sense of alienation, *anomie* and social disorganization are not essentially cultural entities. They do have economic roots emerging from the awareness of 'relative deprivation' in an inequitable society. To this extent, there is an element of congruence in the two perspectives which accept that the distortions in the distribution of wealth reflected in the enviroing culture will inevitably lead to crime.

The conservative and liberal dilemmas in regard to crime were analysed by Gordon.<sup>15</sup> Although both accept the existential social order and look upon the criminal as 'irrational', the conservatives insist on exemplary punishments on the ground that the criminal represents a threat to the security of the majority of citizens who conform to the system. The principle of graded punishments in proportion to the seriousness of the crimes is thus structured in conservative thinking. While the liberals acknowledge the imperfections of the social order, they also deny rationality to the criminal. In their line of thinking, the blame for the criminal's irrationality has to be placed on both the individual and society, hence the demand for greater humaneness in punishments and emphasis on reformation and rehabilitation.

On the other hand, the economists argue that such an approach would have exactly the opposite results in that the criminal's opportunity costs will be reduced and will, in turn, encourage him further in his preferred choice of criminality. They also argue that correctional ideology increases the social costs of crime 'whose minimization is essential in the interests of society. Since the economic motive dominates in this view of crime, it may not be out of place to examine the

<sup>14</sup>H. J. Eysenck, *Crime and Personality*, Routledge and Kegan Paul, London, 1964.

<sup>15</sup>David M. Gordon, "Capitalism, Class and Crime", *Crime and Delinquency*, Vol. 19, No. 2, April 1973.

nuances of motives which play an important role in all criminal acts.

Motive has been defined as "what induces a person to act, e.g., desire, fear, circumstance".<sup>16</sup> Motive and *mens rea* are basic foundations on which criminal law is structured, and the essence of criminology is couched in a few questions: Why does a man commit crime? What desires, circumstances and fears propel him in the criminal direction? How can he and others like him be prevented from taking a similar collision course? The answers to these questions have remained elusive through centuries of thinking because motive is multifaceted. There is much substance in Horton's assertion that motives are "more likely to be found in the mind" of the observer than to be established as the components of the behaviour system of the action."<sup>17</sup> Moreover, motives which figure prominently in criminal behaviour are also present in all types of ordinary behaviour. The desire for economic advancement and approbation and fear act as powerful levers both in legitimate and illegitimate acts of men. Because of the devious manner in which they operate, it becomes extremely difficult to identify the motives in a clear-cut manner except in a few cases of compulsive neurosis or organic abnormalities, but then such crimes are really 'motiveless'.

The problem of motivation can be viewed from another angle. Why does a person steal? Is he, like Jean Val Jean in Victor Hugo's classic portrayal of the socio-economic conditions in France before the Revolution, forced by pangs of hunger? Or is the criminal act of theft the result of a deep psychological drive acquired from a traumatic experience in childhood spent in a broken home? Or, is it a symbolic act of resentment due to the sense of relative deprivation of a slum dweller? To cite another example, dacoity in the Chambal valley has been variously ascribed to the geographical terrain which provided cover and refuge to the deadly gangs, the cultural tradition which extolled the *baghi* in legend and verse, and the socio-economic conditions of the area. But dacoity itself is an offence involving transfer and redistribution of property. These examples are sufficient to assert that neither motives nor causes are easily identifiable.

There is some substance in Horton's categorical rejection of motivation on grounds of subjectivity, but this is true of most concepts which are not directly observable. He has justification when he castigates social scientists for confusing statistical associations and actual causes. But here again, his total rejection of the multiple causation theories is neither warranted nor justifiable. As pointed out by Bailey, the principle of multiple causation has to be viewed as a rational assumption at the present

<sup>16</sup>The Concise Oxford Dictionary, Clarendon Press, Oxford, 1964.

<sup>17</sup>Paul B. Horton, "Problems in Understanding Criminal Motives", *The Economics of Crime and Punishment*, op. cit.

stage of criminological research and the least that a criminologist can do is "to try to meet the minimum requirements of demonstrating concomitant variation and proper temporal sequence and deal with the question of spuriousness as best as we can."<sup>18</sup> The analysis of various categories of crime in India has established the dominant economic motive in the majority of them. Statistical correlations have clearly established a direct relationship of crime with unemployment. These are undoubtedly strong associations—not direct causes: and the correlations do not at all reject the impact of other variables in howsoever a small measure. Correlation simply states in quantitative terms the extent of relationship between two phenomenon. It is silent on every other aspect. Unemployment reflecting acute poverty, is an economic condition whose dominant criminogenic propensity is undeniable. This is not to say that other factors—cultural or psychological—do not have some influence on crime causation nor that the affluent are free from anti-social behaviour. They do, but many of them can also be traced directly or indirectly to economic origins. The point was well articulated by Willem Bongers: "The egoistic tendency does not by itself make a man criminal. For this, something else is necessary. ...For example, a man who is enriched by the exploitation of children may nevertheless remain all his life an honest man from the legal point of view. He does not think of stealing, because he has surer and more lucrative means of gaining wealth, although he lacks the moral sense which would prevent him from committing crime... A society based upon exchange isolates the individuals by weakening the bond that unites them...'No commerce without trickery' is a proverbial expression (among consumers) and with the ancients, Mercury the God of commerce was also the God of thieves."<sup>19</sup>

The dominant position of economic motivation in the multi-causal strand of criminality had not postulated that affluence eliminates crime or that the affluent are free from criminal behaviour. The extent and volume of white collar crime in both developed and developing societies preclude any facile assumption that economic advancement by itself will control crime. The indications are to the contrary. In a recent seminar on white collar crime the majority of participants stressed that 'greed' was the basic root of the phenomenon.<sup>20</sup> This apparently simplistic explanation has a number of implications. It postulates that even the economically advanced can perceive themselves as 'relatively deprived' in a society in which competition is

<sup>18</sup>William C. Bailey, Proceedings of the Seminar on "The Economics of Crime and Punishment", *op. cit.*

<sup>19</sup>Willem Bongers, *Criminality and Economic Conditions*, Little Brown and Company, Boston, 1916.

<sup>20</sup>Seminar on White Collar Crime, Guru Nanak University, Amritsar, September, 1977.

intense, ruthless and relentless. Both, the rich and poor are capable of stealing, though the styles and scales are different. It also means that elimination of poverty may not reduce crime but merely change its form and content. The traditional criminal who embarks on direct theft or burglary has been the subject of extensive sociological and psychological studies as his poverty and low status make him a good guinea-pig. Most psychological experiments in the laboratories have proceeded from rats and rabbits to humans. On the other hand, the white collar criminal whose motivations are no different has consistently defied such explorations by erecting barricades of wealth and social position. In a preliminary analytical appraisal, a renowned psychologist ascribes white collar crime to a number of motivations—monetary incentive, threat of loss, sense of superiority, ego challenge, a misconceived notion of benefiting the victims and group forces. None of them is new and they apply with equal force to traditional criminal behaviour. When he says that “criminals have used every type of human need among their victims as a means of stealing from them: needs for food, clothing, housing, health, for economic survival, and even helping others in need”, he is merely restating an oft-repeated statement that in an evolving society situations are continuously changing and the criminal seizes upon them to devise his own strategies and techniques. They are indeed “new versions of old crimes”.<sup>21</sup> Thus, it is not the intrinsic nature of crime which undergoes a change but its form. Here is perhaps some meeting ground between the psychological and economic theories of crime.

#### ECONOMIC MODELS OF CRIME

We have two econometric models—one of Becker and the other of Ehrlich which are similar in principle, but differ in methodological sophistication. Becker's analysis is concerned with minimizing the total social losses resulting from crime. It takes into consideration the pecuniary gain and loss the criminal as well as his victim and the special costs in prevention, law enforcement, adjudication and custodial care of the offender. An assessment of the role and the cost benefit of the entire criminal justice system thus emerges as a major exercise of the economists. The probability of apprehension of a criminal and the quantum of punishment (expressed in terms of money) are variable, and can be manipulated in such a manner that the loss to society *prevented* by the criminal justice system is optimum.

In Becker's model, the loss to society has three components—the direct value of loss from the offences, the costs relating to the police and courts

<sup>21</sup>Ezra Stotland, “White Collar Criminals”, *Journal of Social Issues*, Vol. 39, No. 4, 1977.

in dealing with and preventing the offences and the social cost of punishment which is dependent on the number of offences, the probability of apprehension and conviction and the 'subjective' value of punishment to the offender. The total societal loss on account of crime is expressed as sum of the above three components with due weightage given to an indeterminate situational factor. This factor can be zero when a fine is imposed, but it is invariably more than one if the subjective value of the loss of freedom is also counted in addition to the cost of maintaining an offender in an institution.<sup>22</sup>

Ehrlich's model is similarly based on the general hypothesis that criminal activity, like most human activities, is related to the complexities of production and consumption, demand and supply and loss and gain. The choice of criminality (vocational or casual) is determined by three factors—pecuniary reward, available range of alternatives and 'taste'. Ehrlich contemplated two situational possibilities in which the offender is either apprehended and punished or his criminal act is or not detected.<sup>23</sup> His model, in short, stipulates that criminals tend to decrease their criminal activity only when the probability of capture is increased, and this factor has to be raised very appreciably to deter them from criminal careers. Increasing the punishments may have some limited and marginal effect on the crime level. Ehrlich's model, as rightly observed by Anderson, with its emphasis on the probability of conviction, the weight of punishment and the levels of differential returns, by no means precludes sociological, political, psycho-medical and psychological theories.<sup>24</sup> It has been put forward that even in non-economic crimes like murder (excluding gain) and rape, the wealth or the income factor can be subjective and is termed 'psychic income'. Despite some deficiencies, the value of Ehrlich's model lies not only "in its ability to subsume the well-established theories, but in its systematic admission of the possibility that offending may be a response to opportunity".<sup>25</sup>

It must be recognized that even in the economist's interpretation of crime, there are a number of factors which come into play. It demonstrates that merely increasing punishment may help in keeping crime at a constant level but not be able to bring it down due to the compulsions of factors. Indiscriminate increases in punishment may also turn out to be counter-productive. For example, if the punishment for burglary is

<sup>22</sup>Gary S. Becker, *op. cit.*

<sup>23</sup>For a detailed account and critical appraisal of Ehrlich's model, see R.W. Anderson, *The Economics of Crime*, The Macmillan Press Ltd., London, 1976. See also, William E. Cobb, "Theft and Two Hypotheses", *The Economics of Crime and Punishment*, *op. cit.*

<sup>24</sup>R.W. Anderson, *op. cit.*

<sup>25</sup>*Ibid.*

death, the criminal may not hesitate to commit murder when faced with the prospect of apprehension.<sup>26</sup> Thus, the economic models of crime envisage changes in four variables for effective crime control: (i) the probability of apprehension of the criminal can be increased by improving the quality of law-enforcement; (ii) the quantum of punishment can be increased or decreased; (iii) illegal gains can be reduced through preventive measures, reduction in criminogenic opportunities and reducing the sense of alienation in society; and (iv) the attraction for legitimate means can be enhanced by providing 'legitimate outlets of aggression'.

The Becker and Ehrlich econometric models were used by Anderson to assess the effectiveness of the criminal justice system in terms of cost.<sup>27</sup> Some further studies have actually concentrated on identifying the areas where inputs have to be increased and to assess police productivity in terms of their capacity to control crime over a period of time.<sup>28</sup>

In the orthodox economic models of crime, the question as to how the offences are valued is crucial. Offences in which monetary gain and loss are directly involved, e.g., theft and burglary, are most susceptible to economic analysis. *Prima facie*, it would appear that theft involves no loss to society since one party's gain is another's loss. But as pointed out by Tullock, theft is a 'contested transfer' since it is not accepted philosophically by the victims and societal resources are utilized to contest it. The alternative income lost by the offender through his criminal act (assuming that he is apprehended) is also an important element in the computation of loss although in the light of criminological findings that theft is 'lower class phenomenon', the foregone income may not be appreciable. To this has to be added the costs relating to apprehension and the subjective value of punishment of the offender. On the other hand, it is well known that incarceration does not always deter a person from crime, and occasionally, it has accentuated criminality through differential association and improved knowledge of skills and peer group contacts in jails. In economic models, punishment is conceived as an "efficient, in varying degrees non-transferable, stochastic price"—stochastic because there is no certainty of punishment but only a probability. The element of retribution does not enter into these models, because in that event, the

<sup>26</sup>George J. Steigler, "The Optimum Enforcement of Laws", *Journal of Political Economy*, May-June, 1970.

<sup>27</sup>R.W. Anderson, *op. cit.*

<sup>28</sup>R.A. Carr-Hill and N.H. Stern, "An Economic Model of the Supply and Control of Recorded Offences in England and Wales", *Journal of Public Economics*, 1973.

price of punishment ceases to be efficient.<sup>29</sup>

The economists' renewed interest in the problems of crime and their attempt to reduce it into neat models of arithmetic are based on the conviction that the current explanations of criminal motivations are inadequate. They assert that "when social scientists shift from laboratory exercises to a search for the motives underlying significant social behaviour, the result is often limited only by the extent of their semantic imagination".<sup>30</sup> It is now generally accepted that crime is not a homogeneous 'cluster' for which a grand theory can be adduced, but covers a very wide range of behaviours with divergent motivations, predisposing factors and legal determinants which are constantly changing. In consequence, it calls for an equally wide range of approaches and strategies of treatment. The economic thesis is based on a familiar business principle that the choice of an individual rests on maximum utility to himself. This is of particular importance in all offences in which pecuniary motive is of primary concern as it has been demonstrated in more than 80 per cent of reported offences in the country, leaving out irrational crimes arising from emotional pressures and psycho-pathological compulsions. That there are other 'satisfactions' in such crimes as the elimination of a hated rival, or rape or ideological satisfaction cannot but be accepted, but when the compulsions are created partly or fully by the economic system, the new economic theories deserve serious attention of criminologists, despite many pit-falls, inconsistencies and methodological difficulties one encounters in their practical application. They are also based on the assumption that punishment *does deter* although this may be qualified by two reservations, viz., the existing system of punishment may not be effective and there could be optimum levels beyond which it could even be counter-productive. It has been pointed out by Tittle that "the crucial question is not whether negative sanctions deter, but under what conditions are negative sanctions likely to be effective".<sup>31</sup> Adopting a simple cost-benefit technique, and "ignoring the psychic cost of loss of freedom" Cobb came to the conclusion that "thieves as a group are making the correct choices".<sup>32</sup> Based on a similar pilot study, Krohm accepted that in offences in which the pecuniary motive predominates, an increase in penalties "would substantially reduce the

<sup>29</sup>Ehrlich, "Participation in Illegitimate Activities: A Theoretical and Empirical Investigation", *Journal of Political Economy*, 1970. See also G.J. Steigler, *op. cit.*; and Gordon Tullock, "An Economic Approach to Crime", *Social Science Quarterly*, June, 1969.

<sup>30</sup>Paul B. Horton, *op. cit.*

<sup>31</sup>Charles R. Tittle, "Crime Rates and Legal Sanctions", *Social Problems*, Vol. 16, Spring, 1969, p. 411.

<sup>32</sup>William R. Cobb, *op. cit.*

crime rate and lead to lower enforcement costs.”<sup>33</sup>

The economic models have been criticized on the ground that they are over-simplistic and tend to ignore that the financially cheapest arrangement may entail the greatest overall human costs. It is therefore necessary to evaluate the impact, cost and consequences of crime in terms of social, monetary and psychic costs.

#### THE IMPACT OF CRIME

An assessment of the consequences of crime in terms of social disorganization, economic losses, social costs, and the pain and suffering it entails has emerged as a major enterprise in modern criminological research in the hope that an insight into them might provide some answers and solutions for future planning and policy making. The Fifth United Nations Congress on Crime Prevention (Geneva 1975) spent a whole session discussing methodological techniques of measurement of crime and its impact. While recognizing that “crime-inflicted damage and human suffering cannot be measured in material terms”, it was hoped that an idea of the ‘cost of crime’ could provide a reasonable indicator of the quality of life and social viability.<sup>34</sup> The major fallacy in the approach is that such an assessment, however attractive academically, does not take into account the dark figure of criminality and is in no way a significant advance over the more prosaic projections of official criminal statistics.

It can be argued that a reasonable estimate of the impact of crime on any society may help in determining the acceptable level of criminality to develop appropriate strategies for prevention within the available range of resources. It is assumed that crime is an inevitable adjunct of all societies, and given a particular socio-political system, our endeavour should be to know how much of it can be tolerated without jeopardizing the system itself. The ‘rationale’ of the system is not questioned. The rehabilitative and correctional ideology which dominates modern criminology demands concessions from a criminogenic society. The acceptance of ‘crime risks’ is the price which society pays for its fallacies and inadequacies. The marginal reformation attempted in the jails which are euphemistically called correctional institutions projects society’s guilt-consciousness. From this point of view, the ‘cost of crime’ research is valuable because it may help in determining the degree of risk which society can reasonably expect and be prepared

<sup>33</sup>Gregory Krohm, “The Pecuniary Incentives of Property Crime”, *The Economics of Crime and Punishment*, *op. cit.*

<sup>34</sup>United Nations, *Report of the Fifth UN Congress on the Prevention of Crime and the Treatment of Offenders* (Geneva), New York, 1976.

to make the requisite investments.

But is such an estimation really possible? Every crime has its repercussions in the social context. It is an event of immense significance to the individuals directly involved in it, and at times to a large segment—nay, to society itself. It affects the criminal and the victim in innumerable ways. Like a small pebble thrown into placid water, it disturbs the even tenor of life and sends its ripples to touch the most unexpected areas. Its effects may be short time or long range. It affects many lives and alters many life styles. The measurement of the impact of crime in quantifiable terms is, therefore, beset with many imponderables not the least of which relate to the ambivalence in the definition of crime and fluidity of the criminal law. In conceptualizing and quantifying the consequences of crime, some basic questions emerge. Impact on whom? On the victim or the offender? On the individual citizen or society at large? On a particular component of the criminal justice system or the whole of it? On economy and political institutions or culture and value systems? And then, there are certain effects which defy quantification despite all the methodological innovations. In what consequences are we most interested? Are economic consequences more important than the social and psychological effects of crime? Can the latter be measured in a manner which gives an insight into the impact of crime on the quality of life? Finally, is cost-benefit analysis, which has its own utility in certain areas, a satisfactory mode of inquiry in criminal behaviour?

Since crime is the creature of law and laws are man-made, it is logical to assume that society is prepared to accept the responsibility for proper enforcement of laws and make the necessary investment in criminal justice administration. In a recent study, it was noticed that the proportion of public expenditure budgeted for crime control varied from 2 per cent to 16 per cent of the States' resources with a median of three per cent in the budgets of developed nations, but nine per cent of the total expenditure of developing nations.<sup>35</sup> Even if these estimates are correct, can the impact of crime be so easily restricted to the cost of enforcement, the visible financial outlay which nations are prepared to allocate in their budgets? Are not other direct and indirect costs equally relevant?

One of the most comprehensive estimates of the 'cost' of crime has been made in the USA. For the year 1974, the estimated cost was 88.6 billion dollars of which the cost of the criminal justice system was 14.6 billion dollars, the rest being monetary losses involved in various

<sup>35</sup>United Nations, *The Place of Criminal Justice in National Development Planning*, 1976.

criminal offences.<sup>36</sup> It is interesting to note that a large share of the cost was taken up by illegal gambling (30) followed by embezzlement (7.0), drunken driving (6.5), narcotics (5.02) and unreported business thefts and kickbacks in corruption (5 each).<sup>37</sup> Homicides and assaults (in terms of loss of earnings and medical costs only) amounted to three billion dollars while the losses on account of robbery, burglary, and theft including shoplifting were estimated at 1.3 billion dollars. Similar attempts at computing the cost of crime were made in other countries also. The extent of tax evasion in Italy was estimated at 50 billion dollars. In Japan the loss suffered by victims of offences in of robbery, extortion, theft, fraud and embezzlement was estimated at 82,789 million Yen during 1972.<sup>38</sup> According to an estimate of the World Health Organization 2,50,000 deaths occur annually in traffic accidents. Not all of this staggering number are due to simple accidents; a major proportion are due to criminal negligence and driving under the influence of liquor and today deaths in road accidents are aptly treated as 'vehicular homicides'. It is well nigh impossible to assess the cost of life, injury and material damage involved in this appalling trend. Equally difficult is the assessment of losses from economic crimes. In Italy, it was reported about 50 billion dollars are taken out of the country annually and deposited in the Swiss banks.<sup>39</sup> In our own country following stringent action taken in 1976 and under threat of preventive detention, the voluntary disclosure scheme brought into open undeclared incomes to the tune of Rs. 1800 crores which gives a rough idea of the extent of tax evasion in a country whose resources for development are perilously low.

The immense labour and enormous investments apart, the results of the total cost approach have not been encouraging, the primary reason being that the cost of crime at any given point of time is indeed immeasurable, since the direct and indirect consequences are not amenable for conversion into monetary terms, the weightages are artificial and the so-called costs of human suffering and emotional stresses can neither be quantified nor be limited to a well-defined period. It is evident that many of the variables are imponderables, their articulation is rather nebulous and imputation of economic values is incompetent to portray the reality of suffering. For example, the estimate of 82.6 billion dollars as representing the cost of crime in the

<sup>36</sup>US News and World News. Quoted from the working paper prepared for the Fifth UN Congress on Crime Prevention, Geneva, 1975.

<sup>37</sup>The figures in brackets represent dollars in billions.

<sup>38</sup>UN Secretariat, *Economic and Social Consequences of Crime : New Challenges for Research and Planning*, A.CONF-56/7, 1975.

<sup>39</sup>Fred Ferretti, "Crime : A Heavy Tax on Economics, Old and New", *New York Times*, Business and Financial Supplement, January 26, 1975.

USA for one year appears forbiddingly large when viewed out of the context of the national economy. Conceptually, there are serious distortions in reckoning the losses. In gambling, which is partly legitimate and partly illegal, the thirty billion dollar losses may not be real. Again, do kickbacks on account of corruption represent losses, and if so, to whom? The most serious constraint, however, is the inappropriateness of finding monetary equivalents to emotional stresses and other injuries which may be felt by a large number of individuals for generations. In short, 'cost of crime' studies are exercises in abstraction. A murder, for instance, affects the victims and his family as well as the accused and his family and transforms the life styles of the members not only in the immediate context, but for many years. The stigma of crime extracts its own price through devious ways. Persistent criminality, as in the case of dacoity in the Chambal valley, brutalizes the law-enforcement machinery which is also a very heavy price the community has to pay. All these are intangible costs which cannot be converted into rupees and *paise* despite ingenious refinements in evaluation techniques.

#### COSTS AND BENEFITS

A simple computation of costs in relation to a single category of crime—burglary in India establishes that crime is a paying proposition.

TABLE 2 MONETARY LOSSES IN BURGLARY : 1974

<i>Burglary</i>	<i>Losses</i>
Value of property lost in burglaries	Rs. 183.6 millions
Property recovered	Rs. 32.7 millions
Net loss	Rs. 150.0 millions
No. of persons arrested for burglary	121,103
No. of first offenders	103,568
Number convicted	46,705
Estimated number sentenced to imprisonment	30,000
Average period of imprisonment	One year
Per capita income (current prices)	Rs. 850.00
Total loss of income on account of imprisonment	Rs. 25.5 millions
Disposal cost of property stolen and not recovered by the police	Rs. 71.25 millions
Net gain for the burglars	Rs. 50.75 millions
Excess income for each burglar	Rs. 420.00

Table 2 illustrates that in single year (1974), the total amount of property lost on account of burglaries was of the order of Rs. 183 millions of

which only about one-sixth could be recovered, leaving a net loss of about Rs. 150 millions. All this cannot, however, be viewed in the light of absolute gain for the offenders as the disposal value of the goods stolen is comparatively less and varies according to the nature of the commodity. Cash has the same value, while in regard to some kinds of property, the receivers beat down the prices. Adequate weightages, necessarily arbitrary, have to be given to all these aspects. Assuming that one-fourth of the stolen property fetched the same value, another quarter half the price and the balance has only a disposal value of one-fourth of the original price, the net gain can be reasonably estimated at about Rs. 75 millions. There is a general tendency to reduce the cost of property stolen and exaggerate the value of properties recovered. This is a common frailty of all police organizations.

As against the quantum of gain, we have to set off the losses resulting from loss of income through incarceration and other associated deprivations of the offenders. The total number of persons arrested in crimes of burglary during the year was 1,21,103 of whom 1,03,568 were first offenders and the rest (17,535) were recidivists with one or more convictions for the same type of offence. The number of persons convicted for burglary during the year was 46,705. Although this figure relates to all convictions during the year and many of them pertain to offences of the previous years, they represent a near annual average. Of these, not all are sentenced to imprisonment as a very substantial number belong to the first offender category entitled to probation and admonition. On a generous estimate, it can be visualized that about 30,000 would have been sentenced to imprisonment and the average period of sentence, which is again an arbitrary estimate with reference to varying sentencing policies, is put at one year. With *per capita* income at Rs. 850 per year, the loss of income to the offenders works out to Rs. 25.5 millions. *Prima facie* (despite the high values given to losses), crime emerges as a profitable occupation in pure monetary terms.

The problem, however, is not one of simple arithmetic. The range of one year as the average period of incarceration is definitely high—so also the number sentenced to imprisonment. The use of *per capita* income to assess the loss sustained by the offenders can be questioned on many grounds not the least of which is that many of them are persons below the poverty line and unemployed. The computation does not also take into consideration the indirect losses on account of imprisonment, the effect it has on the members of the offender's family and the psychic cost of social stigma and fear. On the other hand, the negative gains of professional skills and peer group affiliations acquired in jails are left out. The economic model assumes that the offender has a choice of legitimate and illegitimate activity and opts for either of them rationally after calculating the profit and loss. The validity of

this assumption in a society where the choice of legitimate work is constrained on account of wholesale unemployment is certainly debatable.

There is also another important feature which has so far been not considered. The official criminal statistics project highest rates of recidivism in respect of burglary and theft—roughly about 15 per cent of the total number of persons arrested in a year. In actuality, the percentage is likely to be higher, but is not brought on record due to police reluctance to invoke section 75 of the Indian Penal Code which calls for a severe sentence on repetition and for that reason makes the judicial procedure more cumbersome. All the same, the bulk of arrested persons are first offenders who are let off lightly. In the circumstances, the question whether crime pays or not becomes irrelevant unless we limit our analysis to recidivists whose repeated criminality may come to notice only occasionally. Recidivism belies the effectiveness of punishment provided the offender really goes through the punitive process. In all cases where first offenders are let off the value of punishment tends to become zero subject to some cost being allocated for social stigmatization. On the other hand, when an offender undergoes punishment, he is also likely to acquire new skills and contacts which increase his professional capacity, and thereby the value of income through illegitimate activities. He becomes more rational through his prison experience and when he reverts to crime, it is because he thinks it is worthwhile. To him then crime does pay.

Since crime has an economic base, the economists urge that cost-benefit analysis enables consideration of all the alternatives and gives valuable assistance in making a particular choice of administrative decisions in the field of crime control. The cost-benefit analysis questions the rationale of our investment. If the primary objectives of the criminal justice administration, in terms of economic investment, are not achieved or there is wide gap between investment, it reflects institutional disarray. But what is it we see in the Indian context? Out of a total outlay of Rs. 81,650 millions of all States and Union Territories for the financial year 1976-77, the allocation for the administration of justice and police was Rs. 6,750 millions, *i.e.*, 8.2 per cent. In addition to the States' expenditure on criminal justice (all the three components), the Central Government also spent Rs. 1,595 millions during the same year, but the bulk of it was on paramilitary organizations like the Border Security Force, the Central Reserve Police, the Industrial Security Force and the Indo-Tibetan Police. Between these organizations, they accounted for more than 90 per cent of the Central Government's police budget. There are also two other facets which need consideration. The allocations for courts and justice constitute only a portion of the total outlay as the bulk of expenditure is on civil litigation and

not on administration of criminal justice. Secondly, there are a number of special departments, mostly under central control, like the Income Tax department, a small portion of whose expenditure can be rightly associated with enforcement. And finally, the bulk of allocations on the central police organizations has only a marginal impact on problems of crime, concerned as they are mainly with border duties.

From a purely cost-benefit angle, the police system in the country is a failure since crime is continuously rising and the losses involved in criminal activity outstrip the investments. The efficacy of law enforcement and its marginal utility can be evaluated also from the manner of disposal of criminal offences which is shown under two categories in Table 3 without converting them into monetary values.

TABLE 3 DISPOSAL OF CASES BY THE POLICE : 1974

<i>Offences</i>	<i>IPC</i>	<i>Special and Local Acts</i>
No. of cases registered	11,92,277	25 80 140
Brought forward from the previous year	2,36,158	2 63 765
Total No. of cases investigated by the police	14,28,435	28 43 908
Dropped as mistake of fact, etc.	1,25,354	26 776
No. of cases in which investigation was completed	10,30,046	25 20 544
No. of cases undetected	3,96,844	53 232
No. of cases taken to courts	5,60,167	24 67 312
No. of cases pending investigation at the end of the year	2,73,035	2 96 588

SOURCE : *Crime in India*, 1974, *op. cit.*

The police were able to identify the accused and gather enough evidence to prosecute them in 54.5 per cent of the cases under the Indian Penal Code they investigated. Prosecution by itself is no affirmation of guilt. If the dark figure of unreported crime is taken into account, the police performance appears unconvincing. The position is entirely different in the enforcement of special and local laws where the exposure of the bulk of such offences depends upon the initiative and enthusiasm of the police. The majority of them are trivial offences relating to traffic (6,80,386), prohibition (5,16,719) and gambling (2,04,145) in which punishments are nominal—usually fines or short term sentences. Neither the existing legislation nor the enforcement machinery can be said to have achieved any success in keeping the offences under check. On the contrary, there is a continuous spiralling of these offences. This is not to say that society should divest itself of the responsibility of regulation of conduct which it considers rightly

or wrongly as necessary. The statistics have been cited merely to suggest that there is an optimum level upto which investments can be made. For example, the number of persons who died in road accidents in 1974 was 14,307. The corresponding figures for 1973 and 1972 were 13,090 and 12,891 respectively indicating a progressive increase in road fatalities despite greater investment on traffic control.<sup>40</sup> The enormous social costs involved in the death and injury on account of accidents on roads does not mean that we can increase investment on traffic control to such a level that not a death occurs on the roads. The same is true of crime; we have to find an acceptable level of the phenomenon as well as enforcement costs.

Let us now examine the performance of the courts which constitute an equally important segment of the criminal justice administration.

TABLE 4 DISPOSAL AND PENDENCY OF CRIMINAL  
CASES : 1974

	IPC	Special and Local Laws
Number of cases taken to courts including those brought forward from the previous years	13,07,933	32 48 010
Number of cases compounded or withdrawn	75,532	22 897
Cases in which trial was completed	3,63,565	23 15 571
Cases which ended in conviction	2,27,800	21 38 906
Cases which ended in acquittal	1,35,765	1 76 665
Number of cases pending trial at the end of the year	8,68,360	9 09 542

SOURCE : *Crime in India, op. cit.*

The statistics bring out the staggering delays in adjudication and the differential sentencing policies in respect of the two categories of law-violations. While the percentage of acquittals is high in offences under the Indian Penal Code (38 per cent of the cases tried in courts), it is significantly low (8 per cent) under the Special and Local Laws (Table 4).

The forbiddingly high pendency in courts projects not only the imponderable debit element in cost-benefit analysis, but also raises a fundamental issue relating to the effectiveness and utility of the system. A break-up of the cases reveals a very substantial number which are pending for years at various stages of adjudication. This has come about because of the in-built safeguards and procedural protections devised in society's concern for the individual and his liberty. Yet, it is the better off sections of society who derive the greatest

<sup>40</sup> *Accidental Deaths and Suicides in India*, The Bureau of Police Research and Develop-

benefit from the tortuous legal technicalities since they have the resources and the capacity to fight prolonged and bitter legal battles and finally thwart the ends of justice. Herein lies the discriminatory element in the system whose conservative bastions are almost impregnable. The denial of simple justice through interminable delays is no mere cliché. It is a harsh reality of judicial administration in India today as the ever-increasing pendency of criminal cases reveals.

TABLE 5 PENDENCY OF CRIMINAL CASES IN COURTS :  
THE INDIAN PENAL CODE

Year	Number of cases pending at the end of the year
1971	5,74,225
1973	7,49,879
1975	9,79,632
1977	11,28,781

SOURCE : *Crime in India, op. cit.*

The pendency in courts has gone up appreciably in recent years. In 1978, it is more than double the number of pending cases at the end of 1971. An obvious and ready solution to this intractable problem is to raise the number of courts and judges to clear the forbidding backlog. A massive clearance, however, is no more than discharging the 'debt' which the criminal justice system owes to society. In the light of the enormous delays which have become endemic to the administration of criminal justice, the projected clearance can have little impact on crime control.

It is not the impact of crime on society but the impact of society on crime that demands careful investigation. The criminal justice system is only a visible instrument which society has created to forestall some of the ill-effects of its own structural deficiencies and distortions. Although the three components of the system—police, judiciary and correctional institutions—constitute an integrated system or instrument of prevention, reform and rehabilitation, they are inclined to operate in isolation and each exerts some influence on the other independently. For example, if, as in 1974, the reported crimes under the Indian Penal Code were 11,92,277 of which only 2,27,800 cases (representing barely 19 per cent) could be successfully prosecuted, it is clear that the 'sieving' process in criminal justice is functioning more in favour of the offender. If, in addition, the punishments are light and consequently their impact is minimal, the principle of deterrence, implicit in punishment, is at a discount. If, on the top of it, jails do not reform

and turn out to be training grounds for crime, cost-benefit analysis cannot suggest constructive alternatives for restructuring the system within the available range of financial resources. If the legal system is based on the principle that 99 guilty persons may be allowed to go scot free so that one innocent man may not be punished, it is certain to founder since its economic viability comes into question and the quality of justice itself becomes dubious. Non-punishment of the guilty is as serious a miscarriage of justice as the punishment of the innocent.

The economic models of crime are based on the familiar concepts of supply and demand as explained by Fleisher:

The economist sees delinquency as the result of two interacting forces; the tendency or propensity of people to commit delinquent act on the one hand, and the number and value of opportunities for the commission of such acts on the other. Using the language of labour-supply analysis, we may say that a casual relationship between the economic and other characteristics of persons and their tendencies to commit delinquent acts—other things remaining unchanged—represents supply of delinquency or delinquents. Alternately, it represents the *demand* for engaging in delinquent acts. I have chosen to call this relationship the *demand relationship*, meaning that the demand for engaging in delinquent acts is a function of tastes for delinquency and of legitimate alternatives to criminal behaviour.<sup>41</sup>

The economic and sociological factors of crime are so closely related that ignoring one set of causes in preference to others may lead to 'biased results'. When young persons steal, one asks whether it is for some pecuniary gain or for the sheer pleasure of it or for thrill. Even in juvenile delinquency, in a majority of cases, the feeling that one child does not have what another child possesses is always present, although a child may not rationally calculate the costs as an adult does. To this extent, the economic motive is said to dominate the child's mind. According to Fleisher, "most forms of theft are illegal counterpart of outright purchases."<sup>42</sup> There is little difference between a truant child who commits a theft to see a film and an adult who does the same to procure the much-needed drug. Here is an example of inadequate conversion of goods into monetary terms because seeing pictures and drug addiction are disapproved acts—one by the parents and the other by the society. There is thus an additional social cost involved in the primary offence depending upon the 'damage' done to the personality of

<sup>41</sup>Belton M. Fleisher, *The Economics of Delinquency*, Quadrangle Books, Chicago, 1966.

<sup>42</sup>*Ibid.*

the offender. Extending the argument further, a theft committed on account of hunger or deprivation is merely a transfer of property and may even be justifiable since it involves no social cost loss. In such cases, it is futile to think in terms of cost of crime, in terms of legitimate earnings when they are not just available for the bulk of the population.

It has been noticed through regression analysis across the States in India that there is positive correlation between crime and unemployment. This is perfectly logical because where unemployment rates are high, "opportunities for legitimate forms of activities are few, and those few, tend to be less worthy than opportunities when unemployment rates are low."<sup>43</sup> When unemployment is high and widespread, it is difficult for people to find legitimate means of satisfying their desires for goods and services. The statistics given by the Director-General of Employment and Training indicate that 12 millions are unemployed (1979-80). The number is in respect of only those who are registered in the Employment Exchanges, but does not include the illiterate millions who are unemployed and who have not even heard of employment exchanges. The official estimates of 22 millions do not represent the true state of affairs since they relate to the industrial sector only. According to Naval Tata: "This ignores a vast sector of humanity in the countryside where sources of employment are more apparent than real. Hidden under the labels of part-time employment and self-employment is massive unemployment. According to a casual survey, the number of unemployed and partially employed is estimated at between 20 and 70 millions....Hence we are faced with the cruel choice—a job or social justice....To that extent we have already made a compromise with our national conscience on social justice."<sup>44</sup>

Once this prepondering factor of deprivation is accepted, the economic theories and models must transcend the narrow factor analysis and proceed to a more comprehensive overview of the social structure in which the economic system operates. If this wholistic overview approach is accepted as a correct method of analysis and study, the cost-benefit analysis becomes an inadequate tool. However, cost-benefit method may be used to develop a balance sheet of pros and cons both from individual and societal view points, in which the ponderable and imponderable get due weightage or recognition to fashion policies for prevention of crime and punishment, and reform and rehabilitation of criminals. □

<sup>43</sup>Fleisher, *op. cit.*

<sup>44</sup>Naval Tata, "A Job For Every Indian", *Illustrated Weekly of India*, February, 1978.

## SEVEN

# FINDINGS AND IMPLICATIONS

THE paradox of crime is not its inevitability in social organizations, but its proliferation with human development. The criminologist's failure to find a satisfying definition of crime underlines much of the conceptual confusion in contemporary criminological literature. It appears, therefore, futile to seek an explanation of crime in the biogenetic and psychological attributes of individual actors despite their role in motivation. The conventional classification of crime, criminal typologies and predictive techniques lose their validity because they reflect merely the picayune perspectives of the viewers. The search for the causes of crime thus transcends into an identification of conditions and associations. Between causation *per se* and conditions favourable to generation of criminality, there is conspicuous difference.

A cross-cultural comparison projects a consistently low record of crime in India in contrast to the alarmingly high rates in developed societies. This trend has been steady over many years and can be accepted subject to the reservation that official statistics represent traditional attitudes and administrative policies. The divergent crime rates across the nations are also due to definitional inexactitude, statistical aberrations and differentials of hidden or unreported criminality. Nevertheless, India has a consistently low level of crime though with unmistakable signs of rising with economic development which leads to the enigmatic conclusion that as a country develops, its criminogenic potential rises. It is not a surprising sequel since development in all its multi-directional facets has a convergent impact on the quality of life. The discussions relating to differences in patterns and rates of crime in developed and developing societies which dominate contemporary criminological research have little meaning when it is perceived that development is an integral and essential part of the evolutionary process.

The official statistics which form the basis for the present study suffer from inadequacies common to all statistics of crime. The 'dark figure'

of crime in the Indian context has not been determined even roughly; nor any systematic victim surveys have been conducted. Different offences have different degrees of exposure potential with maximum suppression occurring in respect of offences which are trivial or stigmatic or consensual. The reported crime which is processed in the criminal justice system is thus only a small fraction of the social reality. The validity of a study based on data so unreliable and intangible can be questioned on many grounds, but the near consistency of reported crime over a long period entitles it to be accepted as a rough but consistent fraction of totality for purposes of correlation with other socio-economic variables. It is not claimed that the data represent the total situation nor is it vitally necessary for the limited purpose of the study. Thanks to a series of administrative innovations made in recent years, the Indian criminal statistics can be considered to have reached a take-off stage. They are collected systematically from more than ten thousand police stations all over the country according to uniform standards and compiled at the national level. The major deficiencies of the statistics are inordinate delays in publication, and lack of coordination with other components of the criminal justice system. One could also perhaps point out that the annual reports are lacking in important data of sociological value to the researcher.

An analysis of the trends of crime over three decades of India's independence reveals some interesting features. Crime which was fairly steady in the first four years (1948-51) registered an impressive decline in 1952, a trend which continued till 1955. Thereafter it has steadily risen, the upward swing being more pronounced after the sixties except for a few minor fluctuations, the most prominent of which was in 1976. By and large, the growth of crime was in consonance with a rapidly escalating population, but then, it is not monotonic and suggests that other factors come into play. If crime increases in direct proportion to population, it is really no cause for alarm. Population growth, however, implies severe tensions in human relations due to scarce resources, acute competition, unemployment, overcrowding, growing disparities and psychological pressures, all of which contribute to non-linear progression.

There is a remarkable regularity in seasonal fluctuations, the third quarter (July-September) in each year registering a steep increase. This trend is applicable to almost all categories of crime with the singular exception of homicide which is found to be more prominent in warmer months, a finding which has support from research in other countries. The increase of crime in the third quarter pertains prominently to property offences—theft and burglary—and can be reasonably associated with forced leisure among the agricultural classes. The fluctuations highlight the role of climatic factors which are in turn linked to the element of

leisure accruing through unemployment in the lean months. It is, however, noteworthy that this trend is slowly disappearing. With changes in the techniques and timings of agricultural operations wrought by the green revolution, it is anticipated that there would be some levelling of seasonal fluctuations in the years to come.

An important feature of criminal statistics is the consistency in their composition—burglary and theft constituting more than half of crime in the country. They are followed closely by the miscellaneous group which is a mixture of offences against person, property and the state. Statistical correlations among different categories of crime suggest a strong association between property offences and fraudulent crimes and moderate association between murder and other violent crimes like robbery and dacoity. The analysis has also disclosed a trend of rise increases in robbery and group violence in which there is a disconcerting rise of involvement of educated youth.

Although Indian criminal statistics do not publish separate statistics of urban and rural incidence, a rough computation indicates that crime in urban settings makes up about 63.5 per cent of the total crime in the country, although nearly 80 per cent of the country's population live in villages. This suggests misleadingly that crime in India is urban-oriented. Despite the low rural crime rate, there are no grounds to believe that the vast rural tracts are crime-free. On the other hand, new tensions and conflicts have emerged in villages where lack of communications projects a very low incidence of crime. The general impression that crime in India is also an urban phenomenon as in developed societies needs to be corrected.

India has the lowest rate of female criminality in the global perspective and this is due to the traditional attitudes and cultural differences among the two sexes regarding permissible role behaviours.

Although an alarmist view of juvenile delinquency is often voiced, the offences committed by juveniles are about 3.4 per cent of total cognizable crime under the Indian Penal Code. Admittedly, there has been an appreciable increase in the number of young persons arrested for serious offences, but there is need to view this in relation to the higher percentage of young people among a rapidly growing population. While the incidence of juvenile delinquency follows the familiar pattern of adult criminality in rural-urban distribution, the statistics of the former are more suspect. An analysis of the socio-cultural background of the delinquents shows interestingly that delinquency is more marked among Muslims and scheduled castes and tribes and a preponderant participation of the age group of 18-21. The statistics generally reflect the half-hearted and symbolic interest displayed in the enforcement of legislation relating to the protection of delinquent children.

The geographical dispersion of crime shows consistently low crime

rates in the north-western and southern regions, while the central region, despite low population density, continues to be a high crime area. The high crime area has spread from Madhya Pradesh to the adjoining states of Uttar Pradesh and Maharashtra. With the gradual rise in the level of crime, some of the areas which have been considered generally moderate in crime are merging into high criminal areas due to a medley of factors which include rapid industrialisation, caste rivalries and breakdown of traditional values. A prominent example of this emergent criminal area is Bihar.

The main thrust of this study is to find the linkages between anti-social behaviour and socio-economic conditions. The choice of the indicators is no doubt selective but from among a vast number of variables, five important indicators—population density, illiteracy, *per capita* income, unemployment and proportion of scheduled castes and tribes—were taken as likely to have a direct impact on anti-social behaviour. Admittedly, the results cannot be considered as conclusive due to the omission of a large number of other variables and we do not know precisely in what manner, to what extent and in what context they influence anti-social behaviour. *Per capita* income and literacy have shown some marginal inverse relation with crime suggesting broadly that as income levels and literacy rise crime tends to decrease. Population density and percentage of scheduled castes and tribes also displayed a marginal positive correlation. The findings are acceptable only to the limited extent that the bulk of reported crime can be traced to the deprived and the illiterate on whom the full impact of law enforcement falls. The most significant feature of the analysis, is the convincingly positive correlation of unemployment with incidence of crime. It is supported by factor analysis of intra-state trends of crime confirming that spatial variations reflect cultural factors as well as the level of economic development, the extent of unemployment emerging as the most important criminogenic factor. As an acute form of deprivation, unemployment will contribute to much of traditional crime in the decades to come.

Differences among the crime rates of cities substantiate that urbanisation does not appear to have a uniform effect. While some of these could be attributed to differences in reporting and recording, the cultural milieu of the ecological settings in which cities are located exert an imponderable influence on crime patterns. It is also noticed that crime rates in cities are not directly proportionate to the population size. While the bigger cities appear to have reached a saturation point in crime for the present, the intermediate cities display spiralling rates of crime suggesting that, apart from population size, it is the growth rate which has a serious impact on behavioural patterns.

Pinpointing urbanization as a major factor in crime, criminological

research has been concentrated on the ecological approach, the most conspicuous effort in the direction being the work of the Chicago School in the USA. A similar attempt in regard to select Indian cities did not yield any set patterns for meaningful interpretation.

Western studies of intra-urban patterns of crime have generally substantiated the view that higher crime rates are associated with the degree of area degeneration. In the Indian cities, the situation is different. The central business districts are undoubtedly high areas of crime breeding. Yet another assumption that slums are breeding grounds of crime deserves to be treated with circumspection. While the central business districts generally are high centres of property crime by virtue of the opportunities they present, personal violence is more intense in slums where the quality of life creates intense inter-personal tensions. The distinct differences noticed in the patterns of traditional crime are due to the nature of growth of the cities most of which have firm historical roots. The new industrial towns have not registered any alarming growth of crime indicating that planned industrialization may succeed in preventing it to some extent. The living conditions in slums in Indian cities reflect acute poverty and deprivation and traditional crime is more often seen among the lower classes. The study, however, has not covered the wide range of anti-social behaviour at higher socio-economic levels. If weighted correlations are made between social class and nature of crime, no specific area in the city may emerge as predominantly criminogenic. There are also no grounds to believe that traditional value systems are totally rejected in the urban slum. On the contrary, indications are not wanting that in spite of the deplorable and revolting conditions, slums are not lacking totally in human values or capacity for assertion. While intensification of anti-social activities particular when they are supported by consensual demand has to be anticipated, there are also refreshing examples of conformity. The higher rates of crime in urban settings are understandable in terms of migration, over-crowding, familial disruption and opportunity but the intra-urban patterns do not disclose any dominant factor which can be termed as a key to urban criminogenesis.

The bulk of crime has economic roots. It is estimated that nearly ninety per cent of crime is motivated by desire for pecuniary gain or advantage. A realistic assessment, therefore, leads to the view of crime as an economic phenomenon, notwithstanding the psychological imperatives. Insofar as traditional crime the bulk of which is attributed to the lower classes is concerned, its unassailable correlation with unemployment supports the economic theories which postulate the need for increasing the cost of criminal behaviour. Economic development, however, does not provide a panacea for the ills of crime since it appears that the sense of deprivation is felt not only by the poor but

also by the middle and higher classes among whom the acquisitory instincts appear to be getting more sharpened. But why do the affluent want more? We do not know. An affluent society can also be a criminal society!

The economic models, despite their mathematical obfuscation, establish the direct linkage between crime and the state of political economy. The conclusions drawn in this study may not have universal applicability because the analysis does not cover the entire range of anti-social behaviour which has a large segment of invisibility, and even when visible, is tolerated. A cost benefit analysis, however, demonstrates that there are limits to investment for optimum crime control and this in turn raises society's level of tolerance. To conclude: The nexus between crime and the state of political economy emerges most prominently from the present study. It does not offer an explanation of crime; nor does it propound that societies sporting different economic orders are crime-free. Every society has to regulate the behaviour of its citizens according to its own values and norms through the coercive power of law, and deviance is an inevitable corollary to such regulation. The concern in the present is the future choice of acceptability and tolerance.

The analysis of socio-economic conditions and cultural factors in relation to spatial dispersion of crime and its manifestations does not offer any solutions to the problems and perplexities of crime. On the contrary, it raises questions and issues which are bound to have a significant impact on the quality of life in the coming years. Can our society tolerate the forbidding dimensions of crime and violence which can be anticipated through appropriate projections of contemporary trends? Can our justice system withstand the rising tide of crime? What sacrifices have we to make *now* to live without fear and, at the same time, make life worth living for our children and their children? If the causes of crime can be identified and isolated, the human race with all its resources, knowledge and ingenuity, would have solved the problem long ago. But, if we know, only in a vague and imprecise manner, the association of crime with certain basic conditions of society as it is structured, it is a different proposition altogether. It is difficult to escape the disturbing feeling that the price we have to pay to live without fear of crime may not be small, and therein lies the most perplexing of the dilemmas in modern criminology. □

## APPENDICES

## Appendix I

INDIA : TOTAL COGNIZABLE CRIME AND  
POPULATION, 1948-1977

Year	Population in millions	Total cognizable crime under IPC	Crime rate per hundred thousand population
1948	342.1	625,909	182.9
1949	349.7	654,019	187.3
1950	353.0	635,508	180.0
1951	361.1	649,728	179.9
1952	367.1	612,010	166.7
1953	374.4	601,964	160.8
1954	381.8	556,912	145.8
1955	389.3	532,236	137.5
1956	397.1	585,217	147.4
1957	404.9	603,550	149.1
1958	413.0	614,184	148.7
1959	421.1	620,326	147.3
1960	429.5	606,367	141.2
1961	437.7	625,651	143.0
1962	447.7	674,476	150.6
1963	457.7	658,830	143.9
1964	468.9	759,013	161.8
1965	479.4	751,615	156.8
1966	498.7	794,733	159.4
1967	501.0	881,981	176.1
1968	512.1	861,962	168.3
1969	523.4	845,167	161.5
1970	535.1	955,422	178.6
1971	549.8	952,581	173.3
1972	561.7	984,773	175.3
1973	573.4	1,077,181	187.9
1974	586.1	1,192,277	203.4
1975	600.8	1,160,520	193.2
1976	613.3	1,093,897	178.4
1977	625.8	1,267,004	202.5

SOURCE : *Crime in India*, Bureau of Police Research and Development, Government of India; *Statistical Abstracts*.

NOTE : The population figures except for the census years of 1951, 1961 and 1971 are mid-year estimates.

## Appendix II

## SOCIO-ECONOMIC INDICATORS OF STATES, 1971

Sl. No.	States	Population density (per sq. km.)	Per capita income	Unemployment (number of live registers of employment exchanges)	Literacy (percentage)	Scheduled castes & tribes (percentage)	Volume of crime (per one hundred thousand population)
1.	Andhra Pradesh	157	302	336	24.5	17.08	106.37
2.	Kerala	549	279	357	60.4	9.56	138.81
3.	Karnataka	152	312	270	31.5	13.93	124.30
4.	Tamil Nadu	317	389	459	31.4	18.51	144.32
5.	Bihar	324	202	420	19.9	22.86	147.15
6.	Uttar Pradesh	300	276	531	21.6	21.22	166.32
7.	Gujarat	136	419	171	35.8	20.83	121.94
8.	Maharashtra	164	416	430	39.1	11.86	195.86
9.	Assam	186	272	789	28.7	18.94	175.64
10.	Orissa	141	265	135	26.1	38.20	138.34
11.	West Bengal	504	339	868	33.1	25.61	175.77
12.	Haryana	227	431	100	26.8	16.89	82.17
13.	Punjab	269	472	118	33.4	24.71	84.46
14.	Rajasthan	75	306	139	18.7	27.95	142.00
15.	Madhya Pradesh	94	268	315	22.1	33.23	211.27
16.	Himachal Pradesh	62	328	45	31.8	26.33	72.69
17.	Jammu & Kashmir	21	314	25	18.6	13.93	119.00
18.	Tripura	149	244	30	30.9	41.34	114.06
19.	Manipur	48	207	38	32.8	32.70	179.63

- SOURCES : 1. *Crime in India*, Ministry of Home Affairs, New Delhi.  
 2. *Statistical Abstracts*, Central Statistical Organization, Government of India, New Delhi.  
 3. Labour Bureau, Government of India.

Appendix III

FACTOR SCORES OF DISTRICTS AND CRIME RATES, 1971  
(RAJASTHAN)

Sl. No.	District	F I Urbanization	F II Agricultural development	F III Political participation	F IV	Crime rate ecological
1.	Ajmer	2.01	— .06	.36	.96	173.9
2.	Alwar	.21	.12	.67	.56	138.2
3.	Banswara	—1.29	— .92	.97	.45	67.7
4.	Marwar	—1.34	— .87	— .29	—1.52	105.9
5.	Bharatpur	.67	.51	1.29	.63	147.2
6.	Bhilwara	—1.28	.47	— .68	.79	176.0
7.	Bikaner	2.46	— .59	— .42	—1.13	139.1
8.	Bundi	— .42	1.19	— .67	.02	186.6
9.	Chittorgarh	— .96	.06	— .57	1.16	195.6
10.	Churu	.56	— .56	.87	—1.62	84.7
11.	Dungarpur	— .90	—1.41	1.54	1.13	79.8
12.	Ganganagar	— .23	3.68	1.09	—1.42	159.9
13.	Jaipur	1.87	.08	— .05	1.51	165.9
14.	Jaisalmer	.31	—1.05	— 3.03	—1.48	107.9
15.	Jalore	—1.08	— .06	— .04	— .59	84.9
16.	Jhalawar	— .07	— .39	— .88	1.29	168.5
17.	Jhunjhunu	.31	— .90	1.23	— .70	91.9
18.	Jodhpur	.79	— .37	.43	— .71	158.6
19.	Kota	.55	.96	.71	.57	199.3
20.	Nagaur	— .47	— .40	.61	—1.11	117.7
21.	Pali	— .35	.67	— .52	.06	121.1
22.	Sawaimadhopur	— .27	.33	.12	— .05	111.4
23.	Sikar	.10	— .82	.60	— .39	102.1
24.	Sirohi	.07	.70	—1.60	.86	83.0
25.	Tonk	— .65	.04	.09	— .48	124.2
26.	Udaipur	— .60	— .60	— .01	1.21	154.1

## Appendix IV

## INDIAN CITIES : POPULATION AND CRIME RATE, 1971

<i>Sl. No.</i>	<i>City</i>	<i>Population (in lakhs)</i>	<i>Total crime</i>	<i>Crime rate per 100,000</i>
1.	Visakhapatnam	3.52	1,641	466.19
2.	Vijayawada	3.17	1,141	359.93
3.	Guntur	2.69	265	98.51
4.	Warangal	2.07	372	179.71
5.	Nellore	1.33	363	272.93
6.	Kakinada	1.64	322	196.34
7.	Gauhati	1.23	1,746	1419.51
8.	Patna	4.73	8,742	1848.20
9.	Jamshedpur	3.41	1,871	548.68
10.	Ranchi	1.75	4,543	2596.00
11.	Gaya	1.79	5,123	2862.01
12.	Monghyr	1.02	3,093	3032.35
13.	Baroda	4.66	1,820	390.55
14.	Surat	4.71	870	184.71
15.	Bhavnagar	2.25	372	145.33
16.	Ambala	1.02	178	174.50
17.	Mysore	3.55	1,245	350.70
18.	Hubli	3.79	401	105.80
19.	Mangalore	1.65	427	258.78
20.	Belgaum	1.92	461	240.10
21.	Trivandrum	4.09	2,289	559.65
22.	Calicut	3.33	1,248	374.77
23.	Cochin	4.39	1,532	348.97
24.	Indore	5.43	3,486	641.98
25.	Jabalpur	4.26	2,135	501.17
26.	Gwalior	3.84	1,327	345.57
27.	Bhopal	2.98	1,197	401.67
28.	Poona	8.56	6,546	764.71
29.	Nagpur	8.66	4,060	468.82
30.	Sholapur	3.98	498	125.12
31.	Akola	1.68	1,240	738.09
32.	Sangli	1.15	321	279.13
33.	Imphal	1.00	429	429.00
34.	Cuttack	1.94	1,077	555.15
35.	Patiala	1.48	631	426.35
36.	Ludhiana	3.97	2,151	541.81
37.	Jullunder	2.96	1,903	642.90
38.	Amritsar	4.07	631	155.03
39.	Ajmer	2.62	716	273.28
40.	Jaipur	6.15	2,151	349.75
41.	Bikaner	1.88	384	204.25
42.	Kota	2.12	795	375.00
43.	Udaipur	1.61	881	547.20
44.	Madurai	5.49	1,947	354.64

<i>Sl. No.</i>	<i>City</i>	<i>Population (in lakhs)</i>	<i>Total crime</i>	<i>Crime rate per 100,000</i>
45.	Coimbatore	3.56	1,338	375.84
46.	Trichi	3.07	659	214.65
47.	Sailam	0.12	1,109	360.06
48.	Tuticorin	1.55	744	480.00
49.	Nagarcoil	1.41	436	309.21
50.	Lucknow	7.49	8,558	1142.59
51.	Agra	5.91	4,352	736.37
52.	Varanasi	5.83	3,529	605.31
53.	Allahabad	4.90	4,522	922.85
54.	Meerut	2.70	3,023	1186.29
55.	Bareilly	2.96	4,768	1610.81
56.	Jhansi	1.73	1,516	876.30
57.	Dehradun	1.66	2,028	1221.68
58.	Rampur	1.61	531	329.81
59.	Chandigarh	2.18	1,251	573.85
60.	Ahmedabad	15.80	3,060	175.66
61.	Bangalore	15.40	8,961	541.78
62.	Bombay	54.70	25,066	419.80
63.	Calcutta	31.40	10,911	346.49
64.	Delhi	35.88	2,693	738.50
65.	Hyderabad	16.07	3,794	211.25
66.	Kanpur	11.54	9,659	757.57
67.	Madras	24.69	7,205	227.29



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